

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA) Docket No. A 12-CR-210 SS
)
vs.) Austin, Texas
)
JOSE TREVINO-MORALES (3))
FRANCISCO ANTONIO)
COLORADO-CESSA (6))
FERNANDO SOLIS-GARCIA (7))
EUSEVIO MALDONADO-HUITRON(11))
JESUS MALDONADO-HUITRON (18)) April 15, 2013

TRANSCRIPT OF TRIAL ON THE MERITS
BEFORE THE HONORABLE SAM SPARKS
Volume 1 of 15

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25 Proceedings reported by computerized stenography, transcript
 produced by computer.

08:39:13 1 THE COURT: All right. This is 12-CR-210, United
08:39:16 2 States vs. Miguel Trevino-Morales, et al.

08:39:20 3 I'll take announcements.

08:39:22 4 MR. GARDNER: Good morning, your Honor.

08:39:22 5 Doug Gardner, Michelle Fernald and Daniel Castillo for
08:39:26 6 the United States. Government's ready, your Honor.

08:39:28 7 THE COURT: All right.

08:39:31 8 MR. FINN: Morning, your Honor.

08:39:33 9 David Finn and Christie Williams for Jose
08:39:37 10 Trevino-Morales.

08:39:37 11 THE COURT: All right. Thank you, sir.

08:39:41 12 MR. DEGEURIN: Your Honor, Mike DeGeurin, Andres
08:39:47 13 Sanchez and -- for Mr. Francisco Colorado. We also have Andy
08:39:56 14 Parker and Juan Parras -- John Parras will be here later. And we
08:40:00 15 have Mr. Robert Hirschhorn, who's helping us with jury selection.

08:40:05 16 MR. HIRSCHHORN: Good morning, your Honor.

08:40:05 17 THE COURT: We'll see. Thank you.

08:40:08 18 MR. WOMACK: Good morning, your Honor.

08:40:09 19 Guy Womack for Fernando Garcia-Solis.

08:40:14 20 MR. ESPER: Good morning, Judge Sparks.

08:40:15 21 Richard Esper on behalf of Eusevio Maldonado. We're
08:40:18 22 ready, your Honor.

08:40:19 23 THE COURT: All right.

08:40:24 24 MR. MAYR: Good morning, your Honor.

08:40:25 25 Brent Mayr for the Defendant Jesus Maldonado-Huitron,

08:40:29 1 and we are ready to proceed.

08:40:31 2 THE COURT: Mr. Huitron is -- goes by Mr. Maldonado?

08:40:36 3 MR. MAYR: He goes by Mr. Huitron. Yes.

08:40:38 4 THE COURT: Okay. And Mr. Eusevio goes by Maldonado?

08:40:44 5 MR. ESPER: Eusevio Maldonado. Yes -- no, no. Goes by
08:40:47 6 Huitron, your Honor.

08:40:48 7 THE COURT: Well, that's what I think.

08:40:51 8 MR. ESPER: Throughout the trial, your Honor, I think
08:40:52 9 he's referenced by "Chevo." That's a nickname that he has.

08:40:55 10 THE COURT: Well, I won't use it.

08:40:57 11 MR. ESPER: Thank you.

08:40:57 12 THE COURT: That's Mr. Huitron?

08:40:59 13 MR. ESPER: Yes, your Honor.

08:41:00 14 THE COURT: All right. How about Mr. Jose
08:41:03 15 Trevino-Morales? Is he Mr. Trevino or Mr. Morales?

08:41:08 16 MR. FINN: Trevino, your Honor.

08:41:09 17 THE COURT: All right. And I notice that Francisco
08:41:12 18 Antonio Colorado-Cessa goes by Mr. Cessa and Mr. Colorado. Which
08:41:17 19 is preferred?

08:41:19 20 MR. DEGEURIN: It's Colorado is his last name.

08:41:25 21 THE COURT: And Fernando Solis-Garcia, Mr. Garcia?

08:41:33 22 MR. WOMACK: Your Honor, Garcia.

08:41:34 23 THE COURT: Thank you. All right.

08:41:36 24 Counsel, let's get a few things down. First off, as I
08:41:41 25 indicated earlier, one of the things that we were not able to

08:41:47 1 convince the government on when they built this very nice
08:41:51 2 courthouse was public seating. We have very limited public
08:41:57 3 seating. The government in Washington has all of the
08:42:03 4 specifications for everything that is to be built, and in the
08:42:07 5 future, we will have the same in all new courthouses, which is a
08:42:12 6 mistake. Apparently throughout the country, a lot of people
08:42:17 7 don't come to trials or have trials, and, of course, that's not
08:42:20 8 true in our part of the world.

08:42:24 9 So the jury panel, once it's seated, will be occupying
08:42:29 10 all of these temporary seats, the jury box, all of the seats on
08:42:34 11 this end, and I don't know how many rows on this end, which means
08:42:40 12 that I'm going to have to have probably most people in the
08:42:44 13 courtroom go to the jury assembly room, where this proceedings is
08:42:50 14 video-ed and audio-ed. Two screens and the audio.

08:42:56 15 The difficulty is, I don't have enough interpreters in
08:43:00 16 there for the jury selection. Once we've got the jury selected,
08:43:03 17 we will have, I think, sufficient seating for most of
08:43:09 18 particularly the members of the family that are going to be here.
08:43:13 19 But that's the only way we can accommodate this. We've tried
08:43:17 20 even to select the jury in the jury assembly room, but that was
08:43:24 21 not as successful as I believe that we're going to do here today.

08:43:33 22 A couple of housekeeping. I do not require you to say,
08:43:37 23 "May I approach the bench?" Move around the court as you wish,
08:43:41 24 just don't get in the jury box. I do require standing when you
08:43:48 25 are speaking. And at any time that you wish, of course, you can

08:43:53 1 ask to approach the bench, this little thing right over here.
08:43:58 2 And the reason I'm sitting not in the center of things is, one,
08:44:03 3 so I can see the jury panel and, two, so I'm convenient here.
08:44:13 4 Let's double up, one lawyer after the other, so that the mainly
08:44:19 5 five lawyers who are responsible can hear what is going on. But
08:44:22 6 it has, of course, the microphone to the court reporter.

08:44:32 7 How we're doing this, it is also typical of the
08:44:35 8 government, you should have two of these. The first one in the
08:44:45 9 smaller package was the original that every juror gets in the
08:44:49 10 Western District of Texas. It has some personal information.
08:44:53 11 The second one is the one that we set out and have obtained.
08:44:59 12 They will have the same numbering system. For example, the first
08:45:06 13 one is 1A, which means it could have been a 1, then it goes to 2.

08:45:14 14 The seating chart that you're going to get that is
08:45:17 15 being run by the computer at the present time with the scramble,
08:45:22 16 and that type of thing, will have that number in -- if, for
08:45:29 17 example, if 28 in this stack is No. 1, there will be a 28
08:45:37 18 handwritten there. So you'll be able to coordinate. The reason
08:45:41 19 for that is the government's computers don't allow you to
08:45:45 20 exchange numbers. So not anything I can do about that.

08:45:53 21 I intend to select a jury of 16. And we're running
08:46:07 22 copies of the redacted indictment.

08:46:11 23 THE CLERK: The indictment's already been taken care
08:46:14 24 of.

08:46:14 25 THE COURT: Okay. Now, have defense counsel had the

08:46:19 1 opportunity to look at the redacted indictment that's to be read
08:46:23 2 to the jury? If there are any objections, I need to know them
08:46:26 3 now. I asked the government to redact and to give you the
08:46:34 4 redacted one. Since I know none of you are shy, I assume there
08:46:41 5 are no objections. All right.

08:46:55 6 Now, counsel, I received requested voir dire from Mr.
08:47:00 7 Colorado and his counsel. And I received requested voir dire
08:47:05 8 from Eusevio Huitron. I did not receive voir dire from any other
08:47:13 9 defendant, not as filed as of to date. So if you thought you
08:47:17 10 filed something.

08:47:24 11 MR. DEGEURIN: I was going to work my way around the
08:47:26 12 speaker when I saw all of that. It's a timing thing.

08:47:30 13 THE COURT: It's all right.

08:47:31 14 MR. DEGEURIN: Before we left voir dire -- I mean, the
08:47:35 15 juror questionnaires, is the Court aware that some of the jurors
08:47:41 16 did not have a supplemental questionnaire turned in? Or at least
08:47:46 17 we never got one.

08:47:48 18 THE COURT: You've got what we have. Jury selection --
08:47:53 19 I know this is going to come as a shock to Houston lawyers -- is
08:47:56 20 never perfect. There will even be perhaps some that are still
08:48:02 21 filling them out now. That's the best we could do.

08:48:04 22 MR. DEGEURIN: That was my next question. Those that
08:48:06 23 came in today or that will come in, I suppose we'll have time to
08:48:11 24 look at those before we --

08:48:12 25 THE COURT: Before you strike, you'll have them.

08:48:14 1 Before you see them, you will have them. Or you'll have them
08:48:19 2 simultaneously, in all probability, because the clerk can't see
08:48:26 3 them and can't feed the computer with the numbers without them
08:48:28 4 all being there. Hopefully -- our folks are very good, and
08:48:34 5 hopefully it will be a short period of time.

08:48:37 6 MR. DEGEURIN: And last thing and this is based on an
08:48:40 7 assumption, and I hate to do that being a lawyer, but I'm
08:48:44 8 assuming that some of the numbers will change because some jurors
08:48:49 9 were excused before.

08:48:51 10 THE COURT: That's right. There's no uniformity. As
08:48:57 11 people were excused or not responsive in any way, those numbers
08:49:07 12 have filtered out. So you could say we got 1A, 2, 12, 216, that
08:49:17 13 type of thing.

08:49:19 14 MR. DEGEURIN: My request is that those that did fill
08:49:22 15 out the questionnaires or those that did that were excused, I
08:49:29 16 would like to have copies of their questionnaires preserved.

08:49:37 17 THE COURT: They're filed of record under my order.

08:49:40 18 MR. DEGEURIN: Well, so you anticipated that. Okay.

08:49:45 19 THE COURT: I've been here before.

08:49:47 20 MR. ESPER: Your Honor, I would be remiss if I didn't
08:49:49 21 bring it to the Court's attention, Mr. Huitron's first name
08:49:53 22 Eusevio. I know the Court is --

08:50:00 23 THE COURT: Well, I will do my best.

08:50:02 24 MR. ESPER: Thank you, your Honor.

08:50:36 25 MR. FINN: Your Honor, David Finn.

08:50:38 1 Could I just ask you for a little clarification? I'm
08:50:42 2 seated at the far right-hand side of this table, next to Ms.
08:50:46 3 Williams, who's next to my client, and I'm not able to see about
08:50:51 4 15 to 20 of the jurors. I'm not asking that the podium be moved,
08:50:57 5 but if you would allow me periodically to stand so that I can see
08:51:01 6 the jurors.

08:51:03 7 THE COURT: That goes for everybody. For example, you
08:51:07 8 see those people in the corner over there, you're going to have
08:51:09 9 difficulty seeing them. They're in the -- before the front row.

08:51:14 10 MR. FINN: Right.

08:51:14 11 THE COURT: I can't see everybody.

08:51:16 12 MR. FINN: Okay.

08:51:16 13 THE COURT: But you can stand at any time.

08:51:19 14 MR. FINN: All right. Thank you, Judge.

08:51:20 15 THE COURT: And, if necessary, move around.

08:51:38 16 Now, as we sit here today, this morning, we have a
08:51:44 17 little extra room in the pit, as I call it. When we go up to
08:51:51 18 four, after we've selected the jury, it's going to be necessary
08:51:55 19 for the clients to be on the wall, and the lawyers, because we
08:52:03 20 have so many lawyers on the table, you feel free to talk with
08:52:08 21 your client at any time during the breaks or if you need to go
08:52:12 22 over there and whisper on it. But we don't have enough space for
08:52:16 23 everybody to be seated at the table.

08:52:23 24 This is a larger courtroom. If we can work it in,
08:52:28 25 we'll work it in. But I tried every which way to get twelve

08:52:32 1 people on that table and you just can't do it.

08:52:39 2 MR. FINN: Judge, can I address that? Your Honor, all
08:52:44 3 due respect, I understand that you've got constraints and that
08:52:47 4 the -- specifications of the courtroom are such that you've made
08:52:52 5 that ruling. For the record, I'm going to object to that. I
08:52:56 6 think that if we put the defendants against the wall, frankly, it
08:52:59 7 make them look like criminals. And Ms. Williams has indicated
08:53:03 8 that if you would allow her to sit against the wall, I'll sit
08:53:06 9 next to my client. But on behalf of my client, I'm going to
08:53:10 10 object to that.

08:53:11 11 THE COURT: Well, the objection for the record is
08:53:13 12 overruled. I could for security reasons easily do that.
08:53:18 13 However, if other people wish to make a substitution, I have no
08:53:23 14 objection to it. I just assume the lawyers wanted to sit
08:53:27 15 together. That could be a wrong assumption. But if we need to
08:53:33 16 -- I have to have somebody on the wall, let's put it that way.

08:53:38 17 MR. FINN: I understand. I just don't want it to be my
08:53:40 18 client. I think that's prejudicial, your Honor.

08:53:41 19 THE COURT: It's going to be everybody or none, but we
08:53:44 20 can, if you want to make a substitution for one of -- some -- one
08:53:52 21 defendant has three or four lawyers. Most everybody else has
08:53:55 22 two. We have two with one. Three with one? Oh, I think we've
08:54:03 23 got --

08:54:04 24 MR. MAYR: Mr. Womack.

08:54:06 25 MR. WOMACK: That's correct. I'll be the sole counsel

08:54:08 1 and then, Mr. Eusevio. So we've got three.

08:54:12 2 THE COURT: Okay. Three with one. So when we get up
08:54:15 3 there, we'll see what the situation is. I have no objection to
08:54:18 4 defendant sitting at the table. Actually, I don't have any
08:54:21 5 objection if you want to sit outside, you could go sit outside.

08:54:25 6 MR. FINN: I figured that, your Honor.

08:54:26 7 THE COURT: But the truth of the matter is just -- it's
08:54:29 8 just a matter of space.

08:54:31 9 MR. FINN: All right. Thank you.

08:54:35 10 MR. DEGEURIN: Your Honor, before we get to the next, I
08:54:38 11 would be remiss. I want to introduce you to Juan Manuel Torres.
08:54:41 12 He's a lawyer from Mexico.

08:54:44 13 MR. TORRES: Nice to meet you, your Honor.

08:54:45 14 THE COURT: Mr. Torres.

08:54:45 15 MR. DEGEURIN: Secondly, and I know I've done this
08:54:47 16 already, too, is it possible we can try the case in this
08:54:50 17 courtroom?

08:54:51 18 THE COURT: No.

08:54:53 19 MR. DEGEURIN: That's a no.

08:54:55 20 THE COURT: Pretty quick.

08:55:05 21 On the order of presentation, I intend to just go
08:55:08 22 straight down, which would mean on cross-examination, we would
08:55:14 23 have Mr. Trevino, Mr. Colorado, Mr. Garcia and then, both
08:55:22 24 Huitrons, just in the order of the indictment. There will be one
08:55:25 25 lawyer per witness. Two lawyers won't be able to one object to

08:55:31 1 the testimony and one question it. Each, y'all select who you
08:55:36 2 wish to have each witness.

08:55:54 3 After you have made your strikes and turned them in, we
08:55:57 4 have a room for you. First, we have a room, the government has a
08:56:01 5 room. And we have a room for defense counsel to meet if they
08:56:06 6 wish. Mr. Hall will take you there. Work the strikes, unless
08:56:14 7 you're striking individually, and then, I will take the strikes
08:56:25 8 in the conference room. Any Batson objections, if they're
08:56:30 9 sustained, the juror sits. There are no more strikes. So that
08:56:37 10 will take care of that.

08:56:38 11 If you have a Batson challenge and it's sustained, you
08:56:44 12 just lose that strike. Those are the only things that I meant to
08:57:07 13 bring up. Is there anything before we start seating the jurors
08:57:12 14 that you are willing to or wish to speak to?

08:57:17 15 MR. MAYR: Judge, I didn't make the motion, but I know
08:57:22 16 some counsel filed motions for additional peremptories. Is the
08:57:26 17 Court willing to make a ruling on it at this time, just so I know
08:57:29 18 for my own purposes what we're working with?

08:57:31 19 THE COURT: Operate on the rule.

08:57:34 20 MR. MAYR: Okay.

08:57:34 21 THE COURT: Without extra peremptories. But the answer
08:57:38 22 is no, I'm not ready to make a ruling on it. I'm going to wait
08:57:42 23 to see what the situation is.

08:57:49 24 MR. ESPER: Your Honor, I have one issue with respect
08:57:50 25 to one of the questions that I had submitted was the government

08:57:53 1 would read, of course, its prospective witnesses to see if any of
08:57:57 2 the prospective jurors knew any of the potential witnesses. One
08:58:00 3 of the witnesses, I noticed, is a special agent who I believe is
08:58:05 4 related to one of the government's lawyers, and I don't know if
08:58:09 5 that poses a problem, potential problem or potential conflict at
08:58:14 6 all. I don't know. I don't know what the essence of the
08:58:16 7 testimony is.

08:58:17 8 THE COURT: That makes two of us, counsel.

08:58:20 9 MR. ESPER: I don't know how the Court wants to
08:58:21 10 address --

08:58:21 11 THE COURT: Are they married?

08:58:23 12 MR. ESPER: No.

08:58:23 13 THE COURT: Okay. Have a seat.

08:58:26 14 MR. ESPER: Well, I'm sorry, they are married.

08:58:28 15 THE COURT: Husband and wife?

08:58:29 16 MR. ESPER: Yes.

08:58:30 17 THE COURT: Well, I guess you can bring it out if
08:58:32 18 that's the situation. Are you asking me, am I going to
08:58:35 19 disqualify somebody because they're married?

08:58:38 20 MR. ESPER: No. I guess I'm going to take my seat.

08:58:42 21 THE COURT: You know, make whatever objection. I don't
08:58:44 22 know what the witnesses are, and I have no relationship with any
08:58:48 23 of them, by the way, Mr. Finn, and I don't have any idea what
08:58:57 24 their testimony is or anything else. Y'all have a lot better
08:59:00 25 idea than I do. But feel free to make any objection or ask to

08:59:04 1 approach the bench at any time you wish.

08:59:06 2 MR. ESPER: All right.

08:59:12 3 MR. DEGEURIN: Your Honor, the last time, we spoke
08:59:15 4 about scheduling and how many hours and days of the week we're
08:59:21 5 going to work. It was still a little up in the air.

08:59:24 6 THE COURT: I didn't think it was. We're going to work
08:59:27 7 till 6:00 every day this week, including Friday, and then, I'll
08:59:30 8 tell you what the schedule will be next week.

08:59:32 9 MR. DEGEURIN: Well, that's up in the air. You don't
08:59:34 10 know at this point or you are unable to tell us, at this point,
08:59:37 11 our schedule in the future?

08:59:38 12 THE COURT: No. You know, if it looks like it's going
08:59:41 13 well, I like to give the jury Fridays off. I think the lawyers
08:59:46 14 appreciate it, too. If it looks like it's holding up, then I'm
08:59:51 15 going to be rescheduling 40, 45 sentences that I have set for the
08:59:57 16 next two Fridays. We'll just see how it's going. But this week
09:00:02 17 will be five days. Yeah, Mr. Finn.

09:00:25 18 MR. FINN: Your Honor, as you know, I filed a number of
09:00:28 19 motions for continuance, which you've ruled on. For record
09:00:30 20 purposes, I would like to put on the record that to the extent
09:00:34 21 there were any speedy trial issues, my client was willing and is
09:00:37 22 willing to waive those. And I'm making that for record purposes
09:00:40 23 only. Thank you.

09:00:46 24 THE COURT: He's waiving what, Mr. Finn, the motions
09:00:48 25 for continuance?

09:00:49 1 MR. FINN: No, sir. Any speedy trial issues.

09:00:50 2 THE COURT: Oh, okay. All right.

09:00:55 3 MR. DEGEURIN: Back to scheduling, one of the reasons I
09:00:57 4 had that concern is that the juror questionnaires are telling the
09:01:03 5 jury it would be a two- to three-week trial. With regard to
09:01:07 6 hardships, et cetera, their personal lives, that's one of the
09:01:14 7 reasons I wanted to know whether they will know that they'll have
09:01:16 8 Fridays off, or most likely will have Fridays off. And somewhere
09:01:21 9 along the way, we're going to have to tell them it's going to be
09:01:25 10 longer than two to three weeks, I believe.

09:01:27 11 THE COURT: I don't think so. I think we'll be through
09:01:30 12 in three weeks, but if we aren't, we will continue the case.

09:01:42 13 All right. Counsel, anything else? All right. Then
09:01:45 14 we'll stand in recess till the clerk tells us that we are ready.
09:01:50 15 You're going to have to get a lot more paper because you're going
09:01:52 16 to get charts. Let me know when -- Margaret, let me know when
09:02:01 17 they're ready.

09:02:02 18 THE CLERK: Yes, sir.

09:02:04 19 (Recess.)

09:20:10 20 THE COURT: Two things. The first row in the public
09:43:46 21 seating will be utilized. That's all. We'll be able to complete
09:43:50 22 it at that time with one chair. The second is, there are media
09:43:53 23 out there. I know that's no surprise to you, but they're trying
09:43:56 24 to talk to your family members. Whether you wish them to or not
09:44:03 25 is your business. My job is to tell you that they're trying to

09:44:06 1 do so. I have had it stopped because they were also trying to
09:44:11 2 talk. They didn't know who jurors were or whatnot. No exposure
09:44:17 3 to the jurors, but you may or may not want your folks talking to
09:44:26 4 media.

09:44:27 5 All right. Are we ready to bring them in? All right.
09:44:31 6 Bring them in.

09:46:28 7 (Jury panel present.)

09:46:34 8 JURY VOIR DIRE

09:46:34 9 THE COURT: You may be seated in the courtroom.

09:48:43 10 Okay. Good morning, ladies and gentlemen. As you
09:55:31 11 know, welcome to the United States District Court and our new
09:55:35 12 courthouse. One of the reasons we're so crowded is those of you
09:55:41 13 who worked or have worked for the government knows that the
09:55:44 14 government has a motto that everything is even, which means,
09:55:57 15 also, that the same theory and the same formula is placed in
09:56:05 16 every federal courthouse. So you can rest assured that in a
09:56:08 17 courthouse in Idaho, they have the same dimensions that we have
09:56:17 18 but not near the number of people. But we're glad to have a new
09:56:24 19 courthouse.

09:56:24 20 And then, of course, we operate with government
09:56:28 21 equipment and government computers. You'll notice all of you are
09:56:32 22 numbers, and that's the way the computer and the jury selection
09:56:40 23 process in federal court is. But when we have a group of people
09:56:45 24 who answered the first questionnaire and then, the second
09:56:52 25 questionnaire, and some just answered the second questionnaire,

09:56:55 1 and then, some just answered them today, we can't use the same
09:57:00 2 numbers in the computer. You can't change those numbers. You
09:57:06 3 just have to add them. And so, that's what we're doing. We came
09:57:11 4 down with two 57s, but found out that one is 57A. So we're in
09:57:17 5 good shape here.

09:57:17 6 For those of you in the audience, I've been asked to
09:57:24 7 tell you that no iPhones, no computers, no notebooks, don't use
09:57:32 8 anything electronic. If you do, you'll be asked to leave. So
09:57:36 9 please don't do that.

09:57:42 10 How many of you are from outside the counties of
09:57:45 11 Travis, Williamson and Hays? Just raise your hands. Okay. Now,
09:57:53 12 how many of you were surprised to get our invitation? In federal
09:57:58 13 court, we have districts. There are four districts in Texas.
09:58:04 14 We're in the Western District. It is the largest geographic
09:58:08 15 district in the United States, except for Alaska, which only has
09:58:11 16 one district. Our district runs from here to San Antonio down to
09:58:17 17 Del Rio, all the way out to El Paso, comes back to Midland,
09:58:22 18 Odessa, encircling Pecos, and comes into Waco, and then, back to
09:58:28 19 Austin. It's a large district.

09:58:30 20 So we have 17 counties. People can come as far east as
09:58:34 21 Brenham and as far west as Junction. But before you start
09:58:41 22 feeling sorry for yourself having to drive into the Austin
09:58:44 23 traffic, if you were in the Pecos or Midland/Odessa Divisions, or
09:58:49 24 Del Rio Divisions, you could be driving 250 miles a day to the
09:58:54 25 courthouse and back, and you have to usually stay on jury service

09:59:02 1 for six months. We have a lot of population, so we are able to
09:59:08 2 eliminate that.

09:59:09 3 You're here, as you can guess, from the papers that you
09:59:14 4 filled in for selection of a criminal case that will last perhaps
09:59:22 5 three weeks, maybe more, but my best estimate is three weeks,
09:59:28 6 although the trial of a lawsuit is not very scientific. We can't
09:59:33 7 know exactly how long a witness will be on the stand, how many
09:59:38 8 questions they'll be asked, and that type of thing, for those of
09:59:41 9 you who have seen trials that you know that to be true.

09:59:46 10 But let me remind you, before I start asking questions
09:59:50 11 and we get in the process, your day actually started in 1215.
10:00:05 12 For those of you who are history buffs, you know that that is
10:00:07 13 when the Magna Carta was signed, and the first right of jury
10:00:12 14 trial was in the Magna Carta. Up until then, the people had no
10:00:20 15 recourse, except the king, the lords, and the high commissioner,
10:00:26 16 who was appointed, could make up all of the decisions that people
10:00:31 17 have, both civilly and criminally. And all crimes were against
10:00:36 18 the king, treason, punishable by death.

10:00:41 19 And the people by 1215 had had enough and had -- and
10:00:46 20 put in the right to trial by jury civilly and criminally, and the
10:00:52 21 determination of that would be made by people in their villages
10:00:59 22 or communities. Trial by peers, as they said. And that
10:01:06 23 continued through the English system, and then, we inherited the
10:01:10 24 English system with the colonies.

10:01:14 25 But in about 1770, King George and parliament started

10:01:20 1 placing taxes -- we all know that -- on the colonies. An
10:01:25 2 interesting thing about the Revolution is that King George wasn't
10:01:33 3 doing very good by '70 or '72 because anybody that had a trial,
10:01:40 4 the jury who at that time could determine the law and the facts,
10:01:45 5 were not finding for England. Not imposing liability on the
10:01:51 6 taxes. So the first thing King George did is to put all jury
10:02:00 7 trials in Nova Scotia. How many of you have been to Nova Scotia?
10:02:07 8 Well, nobody went. There weren't any jury trials and the cases
10:02:13 9 just backed up. Nobody was having decision. Nobody had to pay
10:02:16 10 the taxes because they were waiting for their trial.

10:02:21 11 And so, right before the Revolution started, King
10:02:27 12 George put all courts in the colonies in admiralty where only
10:02:33 13 British-appointed judges made the decisions. Now, the reason
10:02:39 14 that that's important is that if you go down to 1788, after the
10:02:43 15 Revolution when the Constitution was ratified, nine of the 13
10:02:49 16 states ratified the Constitution, conditioned on the fact that
10:02:55 17 jury trials would be preserved, which was done in 1791 with the
10:03:02 18 Sixth and Seventh Amendments, and those amendments have not been
10:03:05 19 changed today.

10:03:11 20 Why? Why was it so important? And it was important
10:03:17 21 because the people who were in the colonies, the people who were
10:03:21 22 in England, and the people who forced the Magna Carta did not
10:03:28 23 trust the lords, the kings, the executive department, did not
10:03:34 24 trust the legislative bodies and, I'm sorry to say, did not trust
10:03:39 25 the judges, present company excepted. They wanted to determine

10:03:49 1 the rights of people themselves in their communities.

10:03:59 2 And I don't need to remind you that we have Americans
10:04:05 3 all over the world today in the armed forces that are protecting
10:04:09 4 the rights for you to come here and to be part of the United
10:04:15 5 States government. Many of you, for the first time. Some of
10:04:19 6 you, may be for another time.

10:04:24 7 Because the jury in this case will end up with a
10:04:27 8 decision, like all juries, that cannot be altered by any court,
10:04:35 9 including the Supreme Court, the jury's verdict remains
10:04:40 10 inviolable. So it's serious business, even if we're a little
10:04:46 11 crowded, even if we have a lot of people here today.

10:04:48 12 Now, the purpose that we're going to do this morning is
10:04:53 13 to find 15 people. No, 16?

10:05:02 14 THE CLERK: Sixteen.

10:05:03 15 THE COURT: Sixteen people who can stand up and under
10:05:07 16 oath, represent to these parties and to me that I'm fully able to
10:05:16 17 listen to the evidence in this case. I will listen to the
10:05:21 18 evidence in the case, and I will answer by my verdict solely on
10:05:29 19 the evidence I hear in the trial of this case, and I will follow
10:05:36 20 the instructions of the Court. That sounds simple, but it's what
10:05:43 21 our whole justice system is based on: and the reason for it is
10:05:51 22 that no one is to be tried in the newspapers. No one is to be
10:05:54 23 tried in the home fires over a cup of coffee, or in the streets,
10:06:00 24 or in restaurants, or the bars. And no one is to be tried on any
10:06:08 25 basis other than admissible evidence in a courtroom, listened to

10:06:16 1 by the jury.

10:06:17 2 Now, when you've answered the questionnaires, you
10:06:23 3 understand that we're dealing with a criminal case. Some of you
10:06:29 4 have had some exposure to publicity or the media with regard to
10:06:39 5 the allegations made in this lawsuit. The first thing that I
10:06:45 6 need to tell you is, I need people who are going to be jurors in
10:06:54 7 this case who will do what we're supposed to do in the United
10:06:57 8 States, and that is make a judgement in this case solely on what
10:07:01 9 you hear in this courtroom.

10:07:04 10 There was an article in the paper today about this
10:07:07 11 trial. There was one last week. People are quoted. Articles
10:07:14 12 may be right, may be wrong, but have no materiality with regard
10:07:21 13 to what the jury will be hearing and deciding in this case. So
10:07:27 14 my questions are really for those reasons.

10:07:31 15 Now, we have a lot of people. And although I'm pretty
10:07:38 16 good at faking like I've got good eyesight, I can't really see
10:07:45 17 the folks out there. So when you need to respond to a question,
10:07:53 18 if you'll please stand up, look at your shirt or blouse so that
10:07:59 19 you've got your number. Repeat your number and answer the
10:08:04 20 questions.

10:08:07 21 I need to qualify 16 people today who can make that
10:08:11 22 oath. I also have a magic little microphone right over here that
10:08:22 23 you can't see that goes to the court reporter, and if I ask a
10:08:28 24 question that you would prefer answering privately, you have the
10:08:34 25 right to say, "I'd like to approach the bench." This is the

10:08:37 1 bench. I don't think anybody ever knows why they call it the
10:08:42 2 bench, but it's been the bench forever. And you can come in and
10:08:48 3 in pseudo privacy, because all of the lawyers will come up to
10:08:51 4 hear your answer, you may give a private answer.

10:08:57 5 And I think I've tried to cover it best I can in the
10:09:02 6 questionnaires, but the first question is -- I am pretty
10:09:07 7 confident this case will go for three weeks. There is a
10:09:11 8 possibility it could go further. This isn't California where you
10:09:15 9 go months and months and months. But in Texas, in federal court,
10:09:21 10 particularly, you can have multiple-week trials, and this is one
10:09:26 11 of them.

10:09:29 12 Now, in the questionnaires that I've gone over each of
10:09:32 13 them with the clerk's office, it would appear that most
10:09:37 14 everybody, if not everybody, that has been requested to be here
10:09:41 15 indicated that they could go three weeks or perhaps four weeks.
10:09:47 16 Is there anybody who, right now, for whatever reason, would not
10:09:52 17 be able to do that? Now, everybody here, everybody here is here
10:10:01 18 inconveniently. If you can't think of something you'd rather do,
10:10:07 19 you really have some personality problems. But the truth of the
10:10:14 20 matter is, I know it's economically inconvenient. There's no
10:10:19 21 economic excuse in the federal court. I know it's hard to get
10:10:25 22 into here. And I know that giving up a period of time such as
10:10:31 23 three or four weeks is a sacrifice, but to maintain our system of
10:10:37 24 justice and to maintain everybody's right in the United States,
10:10:43 25 it must be done.

10:10:45 1 Now, let me take the first row here. Is there anybody
10:10:49 2 who would not be able to make that time commitment, please raise
10:10:52 3 your hand. I'll take the second row. And the third row, please.
10:11:01 4 All right. Ma'am, if you'd just tell me your number.
10:11:04 5 THE JUROR: 303.
10:11:05 6 THE COURT: Okay. And tell me why you could not.
10:11:08 7 THE JUROR: I have a plane reservation in four weeks.
10:11:12 8 THE COURT: In four weeks?
10:11:13 9 THE JUROR: It's May the 13th is when I fly out in the
10:11:16 10 morning.
10:11:18 11 THE COURT: Okay. I need to write that down. And your
10:11:23 12 number again?
10:11:24 13 THE JUROR: 303.
10:11:25 14 THE COURT: All right. Thank you, ma'am. Plane
10:11:30 15 reservation. All right. The reason I'm not acting is we may be
10:11:35 16 through by then, and we'll just see if we are. But I'll get back
10:11:40 17 with you.
10:11:41 18 How about the fourth row? All right. Those of you who
10:11:47 19 are in the chairs over here, anybody can't make the commitment?
10:11:54 20 All right. How about the front row on the benches? If you'll
10:11:59 21 stand up, please, and tell me your number.
10:12:01 22 THE JUROR: 331.
10:12:02 23 THE COURT: And what is the reason you would not be
10:12:07 24 able to serve?
10:12:08 25 THE JUROR: I have a flight to Chicago this Wednesday

10:12:11 1 for a wedding and next week, a con -- business conference that
10:12:15 2 came up in New York City.

10:12:16 3 THE COURT: And if you'd read the instructions I sent
10:12:18 4 to you, you wouldn't be here. You would have called the clerk,
10:12:22 5 and the clerk would have said, we want you to come back in June.
10:12:32 6 But I'll excuse you because you've got that commitment, but you
10:12:39 7 -- just sit there for a minute.

10:12:42 8 How about the next row? How about the next row? I
10:12:52 9 don't even know how many rows are back there. Anybody on this
10:12:55 10 side need to make -- back in the corner.

10:13:00 11 THE JUROR: No. 72. My business just laid off 800
10:13:05 12 people, and now they want me to go to India next week or the week
10:13:08 13 after.

10:13:09 14 THE COURT: The real India?

10:13:13 15 THE JUROR: Yeah. Mumbai.

10:13:14 16 THE COURT: What is your number, sir?

10:13:15 17 THE JUROR: Seventy-two.

10:13:16 18 THE COURT: All right. Have a seat. How about the
10:13:24 19 folks over here? Anybody can't make that commitment? Oh, I have
10:13:27 20 another.

10:13:29 21 THE JUROR: No. 129. I have an elderly mother that's
10:13:33 22 been in the business and may require some skilled nursing.

10:13:38 23 THE COURT: Well, that's enough. You could have gotten
10:13:40 24 away with it on the telephone call.

10:13:43 25 THE JUROR: Well, it was just last week all this

10:13:45 1 happened.

10:13:45 2 THE COURT: Okay. Well, we work Saturday and Sunday.

10:13:49 3 THE JUROR: I told them Friday. I said I would come
10:13:52 4 in, anyway.

10:13:52 5 THE COURT: Okay. Well, good. I appreciate your
10:13:55 6 coming in. Anybody else? Anybody in the courtroom that needs to
10:14:02 7 speak to that?

10:14:08 8 All right. I'm going to excuse 303, 331 and 72. I
10:14:14 9 need for you to replace 303. Now, we're going to play a game
10:14:25 10 called musical chairs. Mr. Hall will tell you where to go.

10:14:31 11 MS. DEMINGS: Juror No. 303 is replaced by Juror No.
10:14:36 12 208.

10:15:24 13 THE COURT: That means, counsel, you draw on box 27, a
10:15:29 14 blank -- on 37. Thirty-seven will just be a blank.

10:15:48 15 All right. Now, let me remind you a little bit about
10:15:53 16 not only our history but our Constitution. Every person charged
10:16:03 17 with a crime in our country and in federal court is protected by
10:16:10 18 what we call the presumption of innocence. We all know what it
10:16:14 19 is. We study it. We answer it in our civics class, and we
10:16:20 20 listen to it frequently. But what that means is that, as a
10:16:33 21 practical matter, when you're charged with a criminal charge, the
10:16:39 22 only obligation you have is to show up. The government in this
10:16:47 23 case, the United States Attorney's Office, has the obligation, if
10:16:52 24 they make the charge, to present evidence of it and to attempt to
10:16:59 25 convince a jury beyond a reasonable doubt that the charge is

10:17:04 1 valid and the person is guilty.

10:17:08 2 The jury has to make that determination, but the jury
10:17:15 3 also has to understand that if they are not convinced beyond a
10:17:27 4 reasonable doubt, they must vote not guilty. And the jury in
10:17:34 5 making that determination must know that they can't infer any
10:17:41 6 evidence of guilt or bad faith if the defendant does not testify
10:17:52 7 or if the defendant does not present any evidence, because a
10:17:56 8 defendant is not required to present evidence nor give any
10:18:00 9 testimony.

10:18:02 10 Now, I've heard all my life -- I've been at this job
10:18:07 11 over 50 years trying lawsuits, as a lawyer, as a judge, and I've
10:18:13 12 heard so many times, you know, if I was ever charged with a
10:18:17 13 crime, I'd testify. Well, that's a person, one, that hadn't been
10:18:22 14 charged with a crime, and that decision is made by a lawyer who's
10:18:29 15 trained as to whether or not somebody should or shouldn't
10:18:34 16 testify. But that's immaterial because you must remember the
10:18:40 17 government must convince you, if you're a jury, by the evidence
10:18:46 18 of guilt beyond a reasonable doubt or you must acquit the
10:18:51 19 defendant.

10:18:53 20 Doesn't make any difference if you think the defendant
10:18:55 21 might be guilty. It doesn't make any difference whether the --
10:19:01 22 you believe the defendant was just walking down the street and
10:19:04 23 they picked him up and arrested him. If you do not believe the
10:19:10 24 government's evidence convinces you beyond a reasonable doubt,
10:19:14 25 you must vote not guilty.

10:19:16 1 Now, is there anybody who doesn't understand that? Is
10:19:22 2 there anybody who can't follow that law, which is the basic
10:19:29 3 principle of our justice system in this country?

10:19:35 4 All right. Criminal cases in the United States
10:19:47 5 District Court are the responsibility of the United States
10:19:52 6 Attorney. And in this particular case, the Assistant United
10:19:59 7 States Attorney in charge of this case is Doug Gardner.

10:20:02 8 Mr. Gardner, if you would stand, please.

10:20:04 9 MR. GARDNER: Good morning.

10:20:04 10 THE COURT: And if you would introduce all of those
10:20:06 11 people that are in the courtroom that are on your team, so to
10:20:12 12 speak.

10:20:13 13 MR. GARDNER: Yes, sir, your Honor. Thank you.

10:20:14 14 Ladies and gentlemen, good morning. Again, as the
10:20:16 15 Judge stated, my name is Doug Gardner. I'm an Assistant United
10:20:19 16 States Attorney. I am the lead prosecutor in this case as we
10:20:22 17 term it. Assisting me in this case is Ms. Michelle Fernald.
10:20:25 18 She's also an Assistant United States Attorney. And Mr. Daniel
10:20:28 19 Castillo, Assistant United States Attorney involved in our asset
10:20:32 20 forfeiture section.

10:20:33 21 Also seated with me, Special Agent Scott Lawson of the
10:20:36 22 Federal Bureau of Investigation. And also, Special Agent Steve
10:20:40 23 Pennington of the Internal Revenue Service. Thank you, your
10:20:43 24 Honor.

10:20:43 25 THE COURT: All right. First, is there anybody on the

10:20:46 1 panel -- let's just take this side of the room first, anybody on
10:20:53 2 the panel who knows Mr. Gardner or Ms. Fernald? Anybody on the
10:20:59 3 panel who thinks you may know anybody in the United States
10:21:03 4 Attorney's Office? Anybody know Mr. Pennington from the Internal
10:21:12 5 Revenue Service or Mr. Lawson from the FBI?

10:21:17 6 All right. Now, let me ask those folks over here,
10:21:23 7 anybody know anybody in the U.S. Attorney, including those here,
10:21:27 8 or Mr. Pennington, or Mr. Lawson? And how about these folks?
10:21:35 9 Anybody need to respond to that question? All right.

10:21:44 10 Now, is there anybody on this panel, now or in the
10:21:50 11 past, you or some member of your immediate family, ever worked
10:21:54 12 for the Internal Revenue Service? All right. If you'd stand,
10:21:58 13 please, and give me your number.

10:21:59 14 THE JUROR: 181.

10:22:01 15 THE COURT: And was it you or your family?

10:22:04 16 THE JUROR: My husband.

10:22:06 17 THE COURT: And what does he do?

10:22:07 18 THE JUROR: He's a tax examiner.

10:22:09 19 THE COURT: Okay. And is he here in Austin?

10:22:12 20 THE JUROR: Yes.

10:22:13 21 THE COURT: All right. Thank you, name. Yes, ma'am.

10:22:17 22 THE JUROR: 326. I just spent one season as data
10:22:21 23 entry.

10:22:22 24 THE COURT: Okay. Thank you. I saw -- yes, ma'am.

10:22:26 25 THE JUROR: 15A. I spent one season working with the

10:22:30 1 IRS.

10:22:30 2 THE COURT: All right. I should ask you about when.

10:22:33 3 THE JUROR: Actually, it was more than one season, but
10:22:36 4 the last time was probably two years ago.

10:22:38 5 THE COURT: Okay. And how about you, ma'am?

10:22:40 6 THE JUROR: Seven years.

10:22:41 7 THE COURT: Okay. Anybody else? Yes, ma'am.

10:22:46 8 THE JUROR: No. 3. The same, data entry.

10:22:49 9 THE COURT: Okay. About when?

10:22:50 10 THE JUROR: About 15 years ago.

10:22:51 11 THE COURT: Okay. Anybody else? Okay. I'm going to
10:22:57 12 get over there. Okay. Yes, ma'am. We'll start with you in the
10:23:00 13 corner.

10:23:01 14 THE JUROR: Seventy-seven. And I worked in the service
10:23:05 15 center 20 years ago.

10:23:07 16 THE COURT: All right. Yes, ma'am.

10:23:10 17 THE JUROR: No. 62. I retired from the Internal
10:23:14 18 Revenue year and a half ago.

10:23:15 19 THE COURT: All right. And what did you do before you
10:23:17 20 retired?

10:23:18 21 THE JUROR: Customer service representative.

10:23:20 22 THE COURT: All right.

10:23:22 23 THE JUROR: 167. I worked as a transcriber in 1994.

10:23:28 24 THE COURT: All right.

10:23:29 25 THE JUROR: And my grandmother retired from the IRS

10:23:32 1 many years ago.

10:23:33 2 THE COURT: All right. What did she do, if you
10:23:35 3 remember?

10:23:35 4 THE JUROR: I think she was a tax examiner. She's
10:23:41 5 deceased.

10:23:42 6 THE COURT: Okay. Yes, ma'am. Over here.

10:23:44 7 THE JUROR: 121A. I worked for the Internal Revenue
10:23:49 8 Service for ten years, and it's been six years since I've been
10:23:53 9 there.

10:23:54 10 THE COURT: All right. Thank you.

10:23:56 11 THE JUROR: No. 48. My daughter's presently working
10:23:59 12 there.

10:24:00 13 THE COURT: Do you know what she does?

10:24:01 14 THE JUROR: No, sir.

10:24:01 15 THE COURT: Okay.

10:24:04 16 THE JUROR: No. 8. I retired 2006.

10:24:08 17 THE COURT: And what did you do before you retired?

10:24:11 18 THE JUROR: Revenue officer.

10:24:12 19 THE COURT: Thank you. Yes, sir.

10:24:13 20 THE JUROR: 269. My wife worked there seasonally one
10:24:19 21 year about 15 years ago. I'm not sure what she did.

10:24:24 22 THE COURT: How about over here? All right. Has
10:24:30 23 everybody responded to that question? Those of you who responded
10:24:34 24 to the question, the fact that the Internal Revenue Service has
10:24:38 25 an agent here in the room, may be involved, would that fact alone

10:24:44 1 influence you in any way, good, bad, or indifferent, if you were
10:24:49 2 to be a juror in this case? If it would, please raise your hand.

10:24:56 3 Now, the same question, FBI. Anybody, you or your
10:25:01 4 family, immediate family ever worked for the FBI? All right.
10:25:08 5 How about back of the room here? And how about over here? All
10:25:13 6 right.

10:25:18 7 The Defendant Jose Trevino-Morales, Mr. Trevino is
10:25:24 8 represented by Mr. David Finn. Mr. Finn, if you would introduce
10:25:27 9 your client and your associate.

10:25:29 10 MR. FINN: Good morning, your Honor. Thank you.

10:25:30 11 Morning, folks. My name is David Finn, F-I-N-N, and I
10:25:35 12 have the pleasure of representing Jose Trevino-Morales.
10:25:39 13 Assisting me in the trial of this case is an Austin lawyer, Ms.
10:25:43 14 Christie Williams.

10:25:45 15 THE COURT: Mr. Finn's from Dallas?

10:25:49 16 MR. FINN: Yes, sir.

10:25:50 17 THE COURT: Mr. Finn's from Dallas. Ms. Williams is
10:25:52 18 from Austin. And Mr. Trevino. Anybody on the panel know any of
10:25:56 19 those people? If you do, please raise your hands. All right.
10:26:02 20 Thank you.

10:26:05 21 Then Francisco Antonio Colorado-Cessa. Mr. Colorado is
10:26:13 22 represented by Mr. Mike DeGeurin. Mr. DeGeurin, if you would
10:26:16 23 introduce the folks in the courtroom who are assisting you with
10:26:19 24 your client.

10:26:20 25 MR. DEGEURIN: Thank you, your Honor.

10:26:21 1 First of all, I'm Mike DeGeurin. This is
10:26:25 2 Colorado-Cessa. Assisting me and working with me is Mr. Andres
10:26:30 3 Sanchez. Mr. John Parras, Mr. Andy Parker, Mr. Juan Manuel
10:26:43 4 Torres from Mexico. He is a lawyer in Mexico that's allowed to
10:26:48 5 be here during this trial for Mr. Francisco. Oh, and today, this
10:26:54 6 is Mr. Robert Hirschhorn, helping us pick the jury.

10:27:03 7 THE COURT: Anybody on the panel know Mr. DeGeurin, Mr.
10:27:07 8 Colorado, or any of these other people? If you do, please raise
10:27:10 9 your hands.

10:27:14 10 Then we have Fernando Solis-Garcia. Oh.

10:27:21 11 THE JUROR: No. 36. I worked with Mike DeGeurin at the
10:27:24 12 Court of Appeals.

10:27:26 13 THE COURT: The fact that you know -- he has ever
10:27:29 14 represented you?

10:27:30 15 THE JUROR: No, sir.

10:27:30 16 THE COURT: Okay. The fact that you know him and you
10:27:33 17 worked with him, would that influence you to where you could not
10:27:36 18 independently look at the evidence, listen to the evidence, and
10:27:39 19 make your mind up, notwithstanding your past relationship, or
10:27:44 20 present, with Mr. DeGeurin?

10:27:46 21 THE JUROR: No. It would not interfere.

10:27:47 22 THE COURT: All right. Thank you, sir. Okay.

10:27:53 23 Mr. Garcia is represented by Mr. Womack. Mr. Womack,
10:27:57 24 if you'd introduce yourself and your client, please.

10:27:59 25 MR. WOMACK: Thank you, your Honor.

10:28:00 1 Good morning, ladies and gentlemen. I'm Guy Womack.
10:28:02 2 I'm from Houston. And I have the honor of representing Fernando
10:28:06 3 Garcia-Solis.
10:28:07 4 THE COURT: Okay. Thank you.
10:28:09 5 Anybody know Mr. Womack or his client here, Mr. Garcia?
10:28:18 6 All right. Thank you.
10:28:20 7 And Mr. Eusevio Huitron-Maldonado is represented by Mr.
10:28:30 8 Esper, Richard Esper. If you would introduce your client and
10:28:33 9 yourself, please.
10:28:34 10 MR. ESPER: Yes, your Honor.
10:28:35 11 Good morning, ladies and gentlemen of the jury panel.
10:28:36 12 My name is Richard Esper. My client is Eusevio Huitron.
10:28:43 13 Sometimes you may hear during the course of this case nickname of
10:28:47 14 "Chevo." Thank you.
10:28:49 15 THE COURT: Anybody know Mr. Huitron or Mr. Esper?
10:28:58 16 And then, Jesus Maldonado-Huitron is represented by
10:29:05 17 Thomas Mayr. Mr. Mayr, if you could introduce your client,
10:29:09 18 please.
10:29:09 19 MR. MAYR: Good morning, ladies and gentlemen of the
10:29:12 20 panel. My name is Brent Mayr. I'm Thomas Mayr, but I go by
10:29:15 21 Brent. I have the pleasure of representing Jesus Huitron and
10:29:20 22 it's just us. Thank you, Judge.
10:29:23 23 THE COURT: All right. All criminal cases come with a
10:29:33 24 pleading called an indictment. The indictment is a piece of
10:29:43 25 paper at this point, important piece of paper, because it tells

10:29:48 1 the defendants what they're charged with. It tells me what
10:29:52 2 they're charged with. In just a minute, it's going to tell you
10:29:55 3 what they're charged with. It also tells what they're not
10:30:01 4 charged with.

10:30:06 5 This is a complex case because it has several
10:30:09 6 defendants, and it's an alleged conspiracy case, which means that
10:30:15 7 there's substantial amount of evidence that the jury will hear.
10:30:20 8 But basically it's a one-count charge of indictment. So after we
10:30:27 9 hear all of the evidence, it will not be a complicated case.

10:30:35 10 Now, I'm going to have the government read the
10:30:38 11 indictment because, then, some of the questions that I ask will
10:30:45 12 be more logical; and, also, of course, it's the charge that the
10:30:50 13 jury will have at the end of the case, and you'll know what this
10:30:53 14 case is about, after you've listened to the indictment.

10:30:59 15 A lot of people, of course, know about grand juries,
10:31:04 16 and it is important. You can't have a criminal case without an
10:31:09 17 indictment. But the government in this particular case would
10:31:12 18 present and request an indictment, and if the grand jury gives
10:31:20 19 them an indictment, then there will be a criminal charge. If
10:31:23 20 they don't, there's not. It's important, though, right now, for
10:31:29 21 you to know that it has no importance at all other than telling
10:31:33 22 us what the case is about. It's not evidence. It's not an
10:31:37 23 editorial comment. Without it, we wouldn't be here, so it's
10:31:43 24 important, but it has no relevance whatsoever in the issue of
10:31:49 25 guilt or innocence. That will be the evidence you'll hear in the

1 trial.

2 You may proceed to read the indictment. And I might
3 add, too, this is a redacted indictment because there are only
4 five people on trial here. Anybody that's not on trial here has
5 other obligations and will be in other cases or will be in other
6 proceedings. You only have five that are here. So I've asked
7 the government just to read the portions of the indictment that
8 relate to these five that they have charged here today.

9 You may proceed.

10 MR. GARDNER: Thank you, your Honor. Ms. Fernald and I
11 will split the reading, given the length.

12 Ladies and gentlemen, The United States of America, the
13 Plaintiff vs. Jose Trevino-Morales, Francisco Antonio
14 Colorado-Cessa, also known as "Pancho," Fernando Solis-Garcia,
15 also known as "Freddy," Eusevio Maldonado-Huitron, also known as
16 "Chevo," and Jesus Maldonado-Huitron, also known as "Jesse," are
17 the defendants.

18 And the grand jury charges that at various times
19 material to this indictment, the Defendants Jose Trevino-Morales,
20 Francisco Colorado-Cessa, Fernando Solis-Garcia, Eusevio
21 Maldonado-Huitron, and Jesus Maldonado-Huitron, and others, were
22 members of a money-laundering conspiracy using the proceeds
23 derived from the sale of cocaine, marihuana, and other illegal
24 narcotics by an organization known as Los Zetas. Los Zetas drug
25 cartel is a powerful drug organization operating out of Mexico,

1 which funnels thousands of kilos of cocaine and other narcotics
2 into the United States each year. Los Zetas are the largest drug
3 cartel in Mexico in geographical presence and they control 11
4 states within Mexico. The organization is based in the city of
5 Nuevo Laredo, Tamaulipas, directly across from the border from
6 Laredo, Texas. The huge-scale drug trafficking of this
7 organization generates multi-million-dollar revenues.

8 Los Zetas funnels drug proceeds from Miguel Angel
9 Trevino-Morales, also known as "40," hereafter referred to either
10 by first and last name or just "40," and his brother Oscar Omar
11 Trevino-Morales, also known as "42," hereinafter referred to
12 either by first and last name or just "42," into the United
13 States. "40" and "42" are the two co-leaders of Los Zetas. The
14 numbers associated with some Zeta leaders' names were first
15 assigned at the inception of the Los Zetas as a carryover from
16 their military call signs. The numbers generally show members'
17 rank within the criminal organization. The "3," therefore, for
18 example, would demonstrate third in rank in the overall
19 organization when Los Zetas was first organized.

20 "40" and his brother "42" utilized another brother
21 living within the United States, the Defendant Jose
22 Trevino-Morales, as well as other contacts, to help launder their
23 drug money through the purchase of American quarter horses. The
24 ownership of the horses and the source of the funds to purchase
25 the horses are placed in various nominees' names to disguise

1 "40's" and "42's" connections to these assets. Nominees are real
2 or fictitious persons or entities that are used instead of the
3 real and true owner. This helps legitimize the appearance of the
4 drug money since horse racing is a legal activity, and also
5 provides "40" and "42" and those working with them freestanding
6 assets that can be later sold or cashed in. It also generates
7 legitimate-looking income during the intervening time period.
8 The money-laundering network of this conspiracy reached from the
9 United States and Mexico border to numerous locations in and near
10 Austin, Texas and elsewhere.

11 Telephones were utilized extensively by members of the
12 conspiracy in order for coconspirators to coordinate aspects of
13 their money laundering. Coconspirators would attend quarter
14 horse auctions to purchase racing quarter horses. Via electronic
15 wire communications, members of the conspiracy would coordinate
16 the purchase of various racing quarter horses and the payment of
17 boarding, breeding and racing fees using the proceeds derived
18 from the sale of illegal narcotics.

19 Objective of the conspiracy. It was the objective --
20 the object of the conspiracy to launder U.S. currency gained from
21 the sale of illegal controlled substances by Los Zetas to
22 purchase, breed, train, and race quarter horses in the United
23 States and Mexico.

24 Manner and means. For all periods of time relevant to
25 the charges contained in this indictment, the defendants and

1 other coconspirators, both known and unknown to the grand jury,
2 used the following manner and means to accomplish the goals of
3 the conspiracy.

4 The defendants were members or associates of a
5 transnational drug-trafficking organization or cartel based in
6 Mexico known as Los Zetas. Under the direction of Miguel and
7 Oscar Trevino-Morales, Los Zetas controlled hundreds of miles of
8 Mexican territory along the border of Mexico and the United
9 States, which they used to conduct their drug-trafficking and
10 money-laundering operations.

11 Proceeds from the sale of illegal narcotics in the
12 United States would be transported from the United States to
13 Mexico via bulk cash shipments. These cash shipments would be
14 delivered to plaza bosses for counting and distribution to
15 promote the continuing distribution of illegal narcotics and to
16 launder illegal proceeds through various activities. Included
17 amongst these activities were investments in racing quarter
18 horses purchased via bulk currency payments, wire transfers,
19 checks from businesses established by the organization,
20 structured deposits, and bulk currency deposits.

21 The quarter horse is an American breed of racehorse
22 that is bred to sprint short distances ranging from 220 to 870
23 yards. Quarter horses are raced primarily in the Southwest
24 United States in California.

25 Miguel and Oscar Trevino-Morales would direct portions

1 of the bulk cash derived from the sale of illegal narcotics to
2 their brother, Jose Trevino-Morales, and others, for the
3 purchase, training, breeding and racing of quarter horses in the
4 United States.

5 The defendants and other members of Los Zetas utilized
6 Nextel push-to-talk telephones, BlackBerry and UHF/VHF radio
7 communications to coordinate their money-laundering activities
8 through the horse-racing industry and to evade law enforcement
9 surveillance.

10 The individual roles performed within Los Zetas
11 organization by each of the defendants were as follows: No. 1,
12 Miguel Angel Trevino-Morales, also known as "40," also known as
13 "Zeta 40," also known as "Cuarenta." Miguel Trevino is the
14 ranking member of Los Zetas and is recognized as the leader of
15 the Los Zetas. Miguel Trevino was actively involved in managing
16 the activities of the Los Zetas drug cartel in Mexico, including
17 the coordination of cocaine and marihuana shipments from South
18 America via Central America into United States, as well as
19 receipt of bulk cash shipments into Mexico from the United
20 States. He was actively involved in the management of the
21 quarter horse activities, including directing funds to pay for
22 purchase, breeding, training and racing of the quarter horses.

23 No. 2, Oscar Omar Trevino-Morales, also known as "42,"
24 also known as "Cuarenta Dos." Oscar Trevino has a leadership
25 role and oversees Los Zetas activities in Mexico. Oscar Trevino

1 was actively involved in managing the activities of the Los Zetas
2 drug cartel in Mexico, including the coordination of cocaine and
3 marihuana shipments into the United States, as well as the
4 receipt of bulk currency shipments into Mexico from the United
5 States. He was also actively involved in the management of the
6 quarter horse activities, including directing funds to pay for
7 the purchase, breeding, training and racing of quarter horses.

8 Jose Trevino-Morales. Jose Trevino-Morales is the
9 brother of Miguel and Oscar Trevino-Morales and was actively
10 involved in managing the activities of the money-laundering
11 operation in the United States posing as a legitimate quarter
12 horse owner. His activities included the coordination of
13 purchasing, training and racing quarter horses using bulk
14 currency, wire transfers, checks from businesses established by
15 the organization, bulk currency deposits, and structured payments
16 from Mexico into the United States.

17 Jose Trevino and his wife, Zulema Trevino, created
18 Tremor Enterprises, LLC, 66 Land, LLC, Zule Farms, LLC, which are
19 business entities for the purpose of promoting the
20 money-laundering activities.

21 Francisco Colorado-Cessa -- I'm sorry. Let me back up
22 one second.

23 Carlos Miguel Nayen-Borbolla, A/K/A "Carlito," A/K/A
24 "Pilotos." Nayen was actively involved in managing the
25 activities of the money-laundering operations in the United

1 States, including the coordination of purchasing, training and
2 racing quarter horses using bulk currency, wire transfers, checks
3 from businesses established by the organization, bulk currency
4 deposits, and structured payments from Mexico into the United
5 States. Nayen was responsible for arranging the various payments
6 to various trainers and boarding facilities for the
7 organization's horses. Nayen is listed as an officer of Carmina,
8 LLC, a business entity, which is a front company for Los Zetas'
9 money-laundering activities used to conceal and disguise the
10 ownership of the quarter horses.

11 Francisco Antonio Colorado-Cessa, also known as
12 "Pancho." Cessa was a Mexican businessman operating as a straw
13 purchaser for Miguel and Oscar Trevino-Morales. Cessa would act
14 as a straw purchaser for various horses. He would make payments
15 via personal check, checks from businesses established by the
16 organization and wire transfers for the purchase and, also, the
17 boarding and training of quarter horses. Cessa controls ADT
18 Petro Servicios, a business entity which is a front company for
19 Los Zetas' money-laundering activities used to conceal and
20 disguise the ownership of quarter horses.

21 Fernando Solis-Garcia, also known as "Freddy," also
22 known as "Fer." Garcia was actively involved in the activities
23 of the money-laundering operations in the United States. Garcia
24 would work with Defendants Jose Trevino and Nayen in purchasing,
25 training and racing quarter horses using various straw purchasers

1 and placing quarter horses in various entities for the
2 organization to disguise their true ownership. Garcia is listed
3 as an officer of Garcia Bloodstock, LLC, and has control of
4 Bonanza Racing, LLC, which, again, are front companies for Los
5 Zetas' money-laundering activities used to conceal and disguise
6 the ownership of quarter horses.

7 Victor Manuel Lopez. Lopez was actively involved in
8 the activities of money laundering operations in the United
9 States. Lopez worked under the direction of Defendant Nayen and
10 was responsible for making payments for the care and upkeep of
11 quarter horses via cash payments, wire transfers and personal
12 checks using bulk currency, bulk currency deposits, and
13 structured deposits -- structured payments from Mexico to the
14 United States.

15 Sergio Rogelio Guerrero-Rincon, also known as "El
16 Negro," also known as "El Saltillo." Rincon was actively
17 involved in the activities of money-laundering operations in the
18 United States. Rincon would work with Defendant Jose Trevino in
19 making payments for the care and upkeep of quarter horses via
20 cash payments using bulk currency, bulk currency deposits, and
21 structured payments from Mexico into the United States.

22 Eusevio Maldonado-Huitron, also known as "Chevo."
23 Eusevio Huitron worked as a race trainer for the quarter horses
24 under the control of this organization and advised Defendant Jose
25 Trevino and other members and associates of Los Zetas on quarter

1 horse purchases, training and racing. Eusevio Huitron and his
2 brother Jesus Huitron utilized Huitron Homes and Huitron
3 Painting, both business entities, to launder funds for the
4 organization.

5 Felipe Alejandro Quintero. Quintero worked as a race
6 trainer for the quarter horses under the control of this
7 organization in California. Quintero met with Defendants Jose
8 Trevino and Nayan to discuss the training of quarter horses and
9 the method of payment to conceal activities of Los Zetas. He
10 advised members and associates of Los Zetas on quarter horse
11 purchases, training and racing.

12 Adan Farias. Farias worked as a race trainer for
13 quarter horses under the control of this organization and advised
14 members and associates of Los Zetas on quarter horse purchases,
15 training and racing. Farias met with Defendant Miguel Trevino
16 and others to discuss the laundering of drug proceeds via the
17 quarter horse-racing industry.

18 Raul Ramirez. Ramirez was actively involved in the
19 activities of the money-laundering operations in the United
20 States. Ramirez would bid on horses on behalf of the
21 organization at auction to aid in disguising the true ownership
22 of the horses.

23 Luis Gerardo Aguirre. Aguirre operated as a straw
24 purchaser for Los Zetas in which he would purchase quarter horses
25 in his name which would be transferred at a later date to

10:45:28 1 Defendant Jose Trevino-Morales for little or no money.

10:45:31 2 Erick Jovan Lozano-Diaz. Diaz was involved in making
10:45:34 3 payments for this organization. Diaz provided approximately
10:45:37 4 \$700,000 in bulk U.S. currency and wire transfers to Defendant
10:45:42 5 Gerardo Garza-Quintero to funnel funds to Tremor Enterprises, LLC
10:45:48 6 for the purchase of quarter horses.

10:45:50 7 Gerardo Garza-Quintero. Quintero was involved in
10:45:53 8 providing funding for this organization. He would collect bulk
10:45:56 9 U.S. currency and wire transfers from Los Zetas in Mexico and
10:45:59 10 then, used these funds for the purchase of quarter horses that
10:46:02 11 were never actually transferred as a manner for Jose
10:46:06 12 Trevino-Morales to obtain funding.

10:46:07 13 And Jesus Maldonado-Huitron. Jesus Huitron worked as a
10:46:10 14 race trainer for the quarter horses under this organization.
10:46:13 15 Jesus Huitron and his brother, Eusevio Huitron, utilized Huitron
10:46:18 16 Homes/Huitron Painting, both business entities, to launder funds
10:46:22 17 for this organization.

10:46:22 18 Count 1 reads: Violation of Title 18, United States
10:46:27 19 Code, Section 1956(h), conspiracy to launder monetary
10:46:31 20 instruments. Beginning in or about 2008, and continuing until on
10:46:35 21 or about the date of this indictment, which is December 4, 2012,
10:46:39 22 in the Western District of Texas and elsewhere, the Defendants
10:46:42 23 Jose Trevino-Morales, Francisco Antonio Colorado-Cessa, Fernando
10:46:49 24 Solis-Garcia, Eusevio Maldonado-Huitron, and Jesus
10:46:53 25 Maldonado-Huitron, together and with others, known and unknown to

1 the grand jury, did unlawfully, willfully and knowingly combine,
2 conspire, confederate and agree together and with each other to
3 commit certain offenses against the United States as follows:

4 (a) knowing that the property involved in a financial
5 transaction represented the proceeds of some form of unlawful
6 activity (1) did conduct and attempt to conduct such a financial
7 transaction which involved the proceeds of a specified unlawful
8 activity, that is, conspiracy to distribute controlled substances
9 and extortion and bribery in sporting events (2) knowing that the
10 transaction was designed, in whole or in part, to conceal and
11 disguise the nature, the location, the source, the ownership, and
12 the control of the proceeds of the specified unlawful activity,
13 and to avoid a transaction reporting requirement under federal
14 law, all in violation of Title 18, United States Code, Section
15 1956(a) (1) (B) .

16 (b) knowing that the property involved in a financial
17 transaction represented the proceeds of some form of unlawful
18 activity, did transport, transmit and transfer and attempt to
19 transport, transmit and transfer a monetary instrument and funds
20 from a place in the United States to or through a place outside
21 the United States and to a place in the United States from or
22 through a place outside the United States, knowing that such
23 transportation was designed, in whole or in part, to conceal and
24 disguise the nature, the location, the source, the ownership and
25 control of the proceeds of the specified unlawful activity, that

10:48:35 1 is, conspiracy to distribute narcotics, controlled substances,
10:48:39 2 and extortion and bribery at sporting contests, and to avoid a
10:48:44 3 transaction reporting requirement under federal law, in violation
10:48:47 4 of Title 18, United States Code, Section 1956(a)(2)(B). All in
10:48:52 5 violation of Title 18, United States Code, Section 1956(h).

10:48:57 6 And I'm going to turn over the listing of the specific
10:49:00 7 overt acts to my co-counsel, Ms. Fernald.

10:49:08 8 MS. FERNALD: The overt acts outlined in the conspiracy
10:49:11 9 charge: In furtherance of the conspiracy and in order to effect
10:49:15 10 the object thereof, the defendants and their coconspirators,
10:49:19 11 known and unknown to the grand jury, committed and caused to be
10:49:23 12 committed one of the following overt acts, among others, in the
10:49:27 13 Western District of Texas and elsewhere:

10:49:30 14 Overt Act No. 1. On or about December the 14th of
10:49:35 15 2008, Ramiro Villareal purchased a quarter horse named Tempting
10:49:40 16 Dash for \$21,500. On October the 24th of 2009, Tempting Dash won
10:49:49 17 the Dash For Cash at the Lone Star Park racetrack in Grand
10:49:55 18 Prairie, Texas, listing Villarreal as the owner. On November the
10:49:59 19 14th of 2009, the American Quarter Horse Association received
10:50:04 20 paperwork transferring the registration on Tempting Dash from
10:50:09 21 Villarreal to Defendant Jose Trevino. Trevino put the date of
10:50:15 22 September the 29th of 2009 as the date of transfer, thus
10:50:22 23 backdating the transfer.

10:50:24 24 Overt Act No. 2. On or about September the 4th of
10:50:30 25 2009, that the defendant, Francisco Colorado-Cessa, with the

1 assistance of others purchased 13 horses at Ruidosa 2009 Yearling
2 Auction for a total of \$546,500. Payment for these horses was
3 made in part with a \$516,500 check drawn on the American Express
4 Bank International account of Colorado-Cessa. This purchase
5 included quarter horses Morning Cartel and Feature Honor, which
6 were subsequently transferred to Defendant Jose Trevino and his
7 entities Tremor Enterprises and 66 Land.

8 Overt Act No. 3. Defendant Jose Trevino transferred
9 \$435,000 gained from the winnings of quarter horse Tempting Dash
10 from one of his Bank of America accounts to his Tremor
11 Enterprises bank account on December the 21st of 2009. On
12 December the 22nd of 2009, Jose Trevino wrote two checks to
13 himself in the amount of \$100,000 and another check of \$57,793
14 from Tremor Enterprises account, and deposited these checks into
15 this personal account. One week later, Jose Trevino wrote two
16 checks from his personal account and put the \$157,793 back into
17 Tremor's account, thus creating the appearance of personal
18 income.

19 Overt Act No. 4. On or about January the 14th of 2010,
20 at the Heritage Place Winter Mixed auction, Defendant Jose
21 Trevino directed the purchase of the quarter horse named Dashin
22 Follies for approximately \$875,000 and a quarter horse named
23 Corona Coronita Cartel at approximately \$250,000 in a nominee's
24 name. A \$100,000 cash payment was made in the name of Defendant
25 Luis Aguirre as part of the purchase price. Grupo, a business

1 Mexican entity controlled by Alejandro Barradas, made a number of
2 wire transfers in excess of \$900,000.

3 In December 2010, ownership of these two horses were
4 transferred into the name of the Defendant Luis Aguirre. Payment
5 for the care, boarding and feeding of these horses was arranged
6 for by Defendants Carla Nayan and Victor Lopez. In January 29th
7 of 2012, these two horses were transferred to 66 Land, an entity
8 under the control of Jose and Zulema Trevino, and moved to
9 Lexington, Oklahoma.

10 Overt Act No. 5. Defendant Felipe Quintero trained
11 quarter horses on behalf of the organization. On February the
12 12th of 2010, Felipe Quintero opened up a Bank of America account
13 in the name of Felipe Quintero. On September the 22nd of '10,
14 Felipe Quintero received a \$90,000 wire transfer from ADT Petro
15 Servicios, a business entity controlled by Defendant Francisco
16 Colorado-Cessa and used by the Los Zetas.

17 Defendant Victor Lopez made currency deposits of \$5,000
18 on October the 5th of 2010, \$4,000 on October the 6th of 2010,
19 and \$3,000 on October the 7th of the same year, that were
20 structured into Quintero's account. Another \$9,900 in currency
21 was deposited into the account on October the 18th of 2010.

22 Overt Act No. 6. In or about June of 2010, Defendant
23 Zulema Trevino, acting on behalf of Tremor Enterprises, in which
24 she was listed as a 25 percent owner, made payments for the
25 boarding, upkeep and breeding of the organization's quarter

1 horses.

2 Overt Act No. 7. On or about June the 25th of 2010,
3 Defendant Adan Farias opened a Bank of America checking account
4 for LA Horses, Incorporated. The following were among deposits
5 made into the account in 2010 from Laredo, Texas: On October the
6 21st, there was a structure of 8,000, and then, another structure
7 of 8,000. On October the 22nd, 5,500, 8,000. On October the
8 29th, 9,900. November the 1st, 6,300, and then, \$8,000 on the
9 same day. On November the 2nd, 1,650. On November the 17th,
10 \$6,000. November the 17th, 9,000. November the 18th, 9,000.
11 December the 20th, \$5,900 and December the 20th, \$9,900.

12 Overt Act No. 8. On or about September the 3rd through
13 the 5th of 2010, that the Defendants Jose Trevino, Carlos Nayen,
14 Sergio Rincon and Raul Ramirez, and others, attended the Ruidoso
15 Horse Sales Company Yearling Sales in Ruidoso, New Mexico.
16 Ramirez bid on quarter horses on behalf of Nayen and Trevino.
17 Members of the organization purchased 23 horses for \$2,240,700.
18 After the auction, Defendant Francisco Colorado-Cessa was listed
19 on the auction paperwork as the owner and provided a check in the
20 amount of \$2,240,700 to pay for the horses. This purchase
21 included quarter horse Fly First Down, which was purchased for
22 \$300,000.

23 Overt Act No. 9. On or about October the 2nd through
24 the 3rd of 2010, at the Los Alamitos Equine Sales at Los
25 Alamitos, California, Defendant Felipe Quintero and others

1 purchased five horses in the name of Grupo, a Mexican business
2 entity, for approximately \$442,000. Wire transfers from Grupo
3 were used to pay for the horses. Felipe Quintero acted as the
4 purchasing agent for Grupo.

5 Overt Act No. 10. On or about January the 13th through
6 15th of 2011, Tremor Enterprises, under the ownership and control
7 of Defendant Jose Trevino, placed a quarter horse named Blues
8 Ferrari for auction at the Heritage Place Winter Mixed auction in
9 Oklahoma City, Oklahoma. This horse was sold for \$310,000 to a
10 nominee, in order to provide the appearance of legitimate income
11 for Jose Trevino.

12 Overt Act No. 11. On or about January the 13th through
13 15th, 2011, at the Heritage Place Mixed Winter Sale in Oklahoma
14 City, Oklahoma, members of the organization to include Jose
15 Trevino, Carlos Nayan, Luis Aguirre, purchased 12 horses for
16 approximately \$546,200 in various nominees' names. Defendant
17 Aguirre also purchased an embryo for approximately \$30,000. All
18 the purchases were paid for by Grupo, a Mexican business entity
19 controlled by Alejandro Barradas.

20 Overt Act No. 12. On or about May the 20th of 2011,
21 that Defendants Eusevio Huitron and Jesus Huitron, Huitron Homes,
22 received two cash deposits from Victor Lopez totaling
23 approximately \$19,800 into their Wells Fargo Bank account. Each
24 deposit was \$9,900 and was deposited into the Wells Fargo account
25 in Laredo, Texas, which payments were made for the boarding and

1 the training of the organization's quarter horses.

2 Overt Act No. 13. On or about June the 7th of 2011,
3 that Zulema Trevino wrote a check in the amount of \$400,000 to
4 Francisco Colorado-Cessa, with the notation in the memo section
5 stating, purchase of Fly First Down. This check was never
6 negotiated. The ownership of quarter horse Fly First Down was
7 changed from Cessa to Tremor after winning a qualifying race on
8 May the 27th of 2011, with no actual funds being exchanged to
9 provide the organization with the appearance of legitimate
10 proceeds through the purchase of a valuable quarter horse.

11 Overt Act No. 14. On or about July the 6th of 2011,
12 Eusevio Huitron and Jesus Huitron received two cash deposits
13 totaling \$19,800 into their Wells Fargo account. Each deposit
14 was 9,900 and was deposited into the Wells Fargo account in
15 Laredo, Texas, which payments were made for the boarding and the
16 training of the organization's quarter horses.

17 Overt Act No. 15. On or about November the 5th of
18 2011, at the Heritage Place Fall Mixed Sale in Oklahoma City,
19 Oklahoma, that Defendants Fernando Garcia and Carlos Nayan
20 assisted the organization in purchasing eight horses for a total
21 of approximately \$211,500. Garcia acted as a surety for the
22 purchase of the horses. During the same sale, Jose Trevino
23 brought four horses to be sold at the auction. Garcia also acted
24 as the surety for the purchasers of these horses. Jose Trevino
25 sold Blues Girl Choice at approximately \$102,000, Devil Ridge for

1 approximately \$100,000, Number One Cartel for approximately
2 \$280,000, and Forty Force for approximately \$40,000. The price
3 paid for Number One Cartel was greater than the market value and
4 was sold to members of his own organization in order to provide
5 the appearance of a legitimate sale. All payment arrangements
6 for all of the horses were made by Nayan.

7 Overt Act No. 16. Zulema Trevino and her husband,
8 Defendant Jose Trevino, controlled 66 Land and Zule Farms, both
9 business entities registered in the state of Oklahoma. In or
10 about November of 2011, Zulema Trevino, acting on behalf of 66
11 Land, made a number of payments for the boarding and the upkeep
12 of the organization's horses.

13 Overt Act No. 17. On or about November the 12th of
14 2011, Defendant Victor Lopez made three cash deposits totaling
15 approximately \$65,580 into various accounts to include \$20,800
16 into the account of the Defendants Eusevio Huitron and Jesus
17 Huitron, D/B/A Huitron Homes and Huitron Painting.

18 Overt Act No. 18. On or about January 19th through the
19 21st of 2012, at the Heritage Place Winter Mixed Sale held in
20 Oklahoma City, Oklahoma, Defendant Fernando Garcia assisted in
21 the purchase of five horses and two foals in utero. The horses
22 were placed in the name of various nominees as purchasers. The
23 total cost was \$280,400. ADT Petro Servicios, a company owned by
24 Defendant Francisco Colorado-Cessa, wired \$228,700 on February
25 the 15th, 2012, to cover part of the purchase price for these

1 horses.

2 Overt Act No. 19. Beginning on February the 28th of
3 2012 until March the 2nd of 2012, Defendant Fernando Garcia
4 directed eight cash payments totaling \$51,700, none of which were
5 more than \$10,000, to Heritage Place Auction House to pay the
6 remaining balance owed for the purchase of various quarter horses
7 at the Heritage Place 2012 Mixed Sale Auction as alleged in Overt
8 Act No. 18.

9 This is the indictment that is signed by the foreman
10 and by the Assistant United States Attorney Douglas Gardner in
11 this case.

12 THE COURT: Those are the charges. Now, on this side
13 of the room, is there anyone, simply because of the indictment
14 that you just heard read, for whatever reason, could not take the
15 oath that I've already defined to you? And that is that you'll
16 put all of your information, if any, aside, and you'll make a
17 judgment only on the evidence that you hear in this trial? Is
18 there anything in that indictment that creates a bias, one way or
19 the other, where you could not sit as a judge in this case? Is
20 there anybody that has that perception?

21 All right. Let's try here on the right side. My left,
22 your right. Anybody, because of the indictment itself and the
23 allegations they made, could not represent to me and these
24 parties that you could make a judgment only on the evidence that
25 you hear in trial? And how about here on this side? All right.

11:06:30 1 Now, is there anybody on the panel who, for some
11:06:36 2 reason, knows anything about --

11:06:39 3 MR. MAYR: Your Honor.

11:06:40 4 THE COURT: Okay. I'm sorry. Would you stand up and
11:06:43 5 tell me your number?

11:06:44 6 THE JUROR: 92A.

11:06:47 7 THE COURT: Okay. I appreciate your being candid and I
11:06:49 8 will excuse 92A. Anybody that thinks you know anything about the
11:07:07 9 facts as alleged in the indictment?

11:07:25 10 Now, you heard in the indictment read that this is a
11:07:34 11 conspiracy made up of, at least in part, members of the Los Zetas
11:07:42 12 organization. The charge, however, is that these five people
11:07:51 13 participated in what is called a conspiracy that will be defined
11:07:55 14 for you that they participated in money laundering, that is,
11:08:00 15 moving money taken from illegal operations into a situation
11:08:06 16 disguising it as legitimate money. That's what this case is
11:08:12 17 about when everything clears.

11:08:15 18 Now, is there anybody on the panel simply because --
11:08:20 19 not going to be asked any questions if anybody is a Zeta or not.
11:08:24 20 We're not going to have a whole lot of -- there will be evidence
11:08:31 21 as to how the proceeds got where they got, because that's the
11:08:36 22 allegation, and how those proceeds came into being. But is there
11:08:41 23 anybody simply because something that you've read about any of
11:08:46 24 the gangs in Mexico or in the United States -- and for those of
11:08:51 25 you who still read the newspaper, there was an article last week

11:08:55 1 and an article this week about that type of thing. Has no
11:09:01 2 bearing on the judgment of the jury in this case. Only the jury
11:09:07 3 that hears the evidence will make that determination. And I know
11:09:11 4 I've said that a dozen times, but I'll say it a dozen times more
11:09:15 5 before we're through because it's that important.

11:09:17 6 Anything on this side simply because it involves the
11:09:22 7 Los Zetas, the allegations, organization, that you would not be
11:09:28 8 able to be objective, listen to the evidence and base your
11:09:31 9 judgment solely on what you hear as a juror in this case? Is
11:09:35 10 there anybody that can't do that, now is the time to raise your
11:09:39 11 hand. All right. If you'll just stand, please, and just tell me
11:09:43 12 your number.

11:09:44 13 THE JUROR: 348.

11:09:46 14 THE COURT: Okay, sir. And I saw another hand.

11:09:49 15 THE JUROR: 167.

11:09:50 16 THE COURT: All right.

11:09:55 17 THE JUROR: 171.

11:09:56 18 THE COURT: Okay. I'd better start writing these down.

11:09:59 19 I used to could remember things, but age has caught me. 167?

11:10:04 20 THE JUROR: 171.

11:10:06 21 THE COURT: 171. Help me with the other two.

11:10:08 22 THE JUROR: 348.

11:10:10 23 THE COURT: 348.

11:10:11 24 THE JUROR: 167.

11:10:12 25 THE COURT: And 167. Okay. I want those three, we'll

11:10:24 1 -- let's replace 167, 348 and 171. And if y'all would just
11:10:30 2 follow Mr. Hall. This is Mr. Hall. He looks like a real nice
11:10:36 3 person, but he's a mean fellow. He runs the courtroom. If you'd
11:10:51 4 just wait a minute, we'll get you another chair.

11:10:53 5 MS. DEMINGS: Juror No. 167 is replaced by Juror No.
11:10:57 6 82.

11:11:06 7 THE COURT: I tell you what, while we're doing this,
11:11:11 8 let us --

11:11:21 9 MS. DEMINGS: Juror No. 348 is replaced by Juror 193.

11:11:35 10 THE COURT: Okay. I'm sorry. What was it? What was
11:11:38 11 the first one?

11:11:39 12 MS. DEMINGS: Juror No. 167 is replaced by 82.

11:11:42 13 THE COURT: Okay.

11:11:43 14 MS. DEMINGS: And then, Juror 348 is replaced by 193.

11:11:50 15 THE COURT: Okay.

11:11:56 16 MS. DEMINGS: And Juror 171 is replaced by Juror 278.

11:12:18 17 THE COURT: Okay. Before was set them there, Mr. Hall,
11:12:20 18 let's take those three and set them right over here on this
11:12:25 19 bench, behind counsel.

11:12:29 20 COURT SECURITY OFFICER: I believe that last lady's
11:12:31 21 been excused.

11:12:32 22 THE COURT: And 208's going to join them. Counsel,
11:12:43 23 y'all probably have already done that, but I'm going to start
11:12:45 24 doing that now to make sure that you know what you're doing.

11:12:54 25 All right. Anybody else? Anybody out there on this

11:13:01 1 section because of the allegation, if you'd stand, please, tell
11:13:04 2 me your number.

11:13:05 3 THE JUROR: 182.

11:13:06 4 THE COURT: 182. Okay. Slow down just a second. When
11:13:16 5 I was important, I used to have a secretary, you see, that would
11:13:19 6 do that. 182 is what number? Fifty-three. Okay.

11:13:27 7 THE JUROR: 131.

11:13:28 8 THE COURT: All right. 131. If you'd just have a
11:13:31 9 seat. Thank you. And back in the back.

11:13:36 10 THE JUROR: 121A.

11:13:40 11 THE COURT: All right.

11:13:42 12 THE JUROR: 121A.

11:13:48 13 MS. DEMINGS: I didn't hear the number.

11:13:49 14 THE COURT: I'm sorry, I couldn't hear you.

11:13:50 15 THE JUROR: 121A.

11:13:52 16 THE COURT: 121A. Okay. All right. Counsel, did you
11:14:02 17 get all of those?

11:14:03 18 COURT SECURITY OFFICER: Your Honor, there's one on the
11:14:05 19 back row on the left.

11:14:06 20 THE JUROR: Juror 162A.

11:14:08 21 THE COURT: All right. 162A. Anybody else? All
11:14:19 22 right. The next thing that we're going to do is I'm going to
11:14:23 23 have the lawyers read to you the possible list of witnesses.
11:14:30 24 Doesn't mean that all of these people are going to testify, but
11:14:33 25 I've told them to be totally inclusive so that there's not the

11:14:39 1 names of anybody that you won't hear that will be witnesses. If
11:14:45 2 you think you may know any of these people as the lawyers read
11:14:48 3 their witness list, please raise your hand and we'll inquire.

11:14:54 4 MR. GARDNER: May I proceed, your Honor?

11:14:55 5 THE COURT: Yes, sir.

11:14:56 6 MR. GARDNER: Now comes the United States of America
11:14:59 7 and provided, this is a list of potential witnesses in the
11:15:03 8 above-styled case. The government may or may not call the
11:15:06 9 witnesses listed below and reserves the right to call additional
11:15:09 10 witnesses not on this list in rebuttal.

11:15:11 11 Adan Farias, Alejandra Obregon, Alfonso Del Rayo-Mora,
11:15:21 12 Annelle Reynolds, Bill Pilgrim, Bill Price.

11:15:26 13 THE COURT: Little slower.

11:15:27 14 MR. GARDNER: Yes, sir.

11:15:29 15 Brian Schutt, Butch Wise, Carlos Arian Jaff-Bosdet,
11:15:41 16 Myrna Reyes, Charles Cox, David Weiss, Debbie Kempe or Kemp,
11:15:55 17 Diane Reed, Felipe Quintero, Gerardo Chapa, Gerardo Mata-Morales,
11:16:05 18 Hector Gerardo Moreno-Villanueva, Hernando Guerra, Jaime Gomez,
11:16:15 19 Jane Eckert, Jeff Tebow, Jessica Murray, Jesus Enrique
11:16:26 20 Rejon-Aguilar, Joe Garza, Jose Carlos Hinojosa, Jose Flores, Jose
11:16:36 21 Mendoza, Jose Vasquez, Jr., Jose Vasquez, Sr., Juan Aleman, Kyle
11:16:47 22 Mori, Marcial Reyes, Mario Alfonso Cuellar-Salazar, Matt Martin,
11:17:00 23 Matt Witman, Mauricio Paez, Mayra Conde, Melody Knuchell, Randy
11:17:10 24 Lynn Hill, Raul Guajardo Guadalajara-Guia, Ricardo Barrera,
11:17:19 25 Russell Stooks, Andrew Farabow, Anne Fernandez, Bill Johnston,

11:17:30 1 Billy Williams, Carlos Salinas, Carole Lee, Charles Adam, David
11:17:41 2 Kice, Donna Cowling, Edward O'Dwyer, Haskell Wilkins, John
11:17:51 3 Spaeth, Joshua Schenk, Kyle Casey, Lynelle Torikai, Michael
11:18:02 4 Fernald, Randall K. Hicks, known as Kevin, Santiago Moya, Scott
11:18:11 5 Lawson, Scott Thaggard, Steve Pennington, Scott Craigmyle, Shalyn
11:18:20 6 Bliss, Sharon Moore, Tammy Canida, TFO Johnny Sosa -- that's a
11:18:30 7 task force officer -- Tyler Graham, and Mexican-protected witness
11:18:35 8 by the name of "Pitufo." That will be all I have, your Honor.

11:18:38 9 THE COURT: Anybody -- okay. I've got a couple of
11:18:43 10 hands. Yes, ma'am.

11:18:44 11 THE JUROR: Well, there was --

11:18:45 12 THE COURT: Tell me your number, please.

11:18:47 13 THE JUROR: 246.

11:18:48 14 THE COURT: All right.

11:18:49 15 THE JUROR: I just wanted to clarify if there was a
11:18:52 16 Brian Scott or no?

11:18:54 17 MR. GARDNER: The name is Schutt -- Brian Schutt. He's
11:18:57 18 from the Irving Police Department officer. City of Irving, near
11:19:00 19 Dallas.

11:19:01 20 THE JUROR: Oh, no.

11:19:03 21 THE COURT: Yes, ma'am.

11:19:03 22 THE JUROR: 268, Haskell Wilkins, he's been in the
11:19:07 23 family for.

11:19:09 24 MR. GARDNER: Okay. Haskell Wilkins is an FBI agent in
11:19:12 25 Laredo.

11:19:14 1 THE JUROR: Uh-huh.

11:19:14 2 THE COURT: I missed that.

11:19:16 3 THE JUROR: He's like far down the line of my family.

11:19:18 4 THE COURT: Okay. Not a Floridian. All right.

11:19:23 5 Anybody else think you might know any of those people? I see one

11:19:28 6 hand back there.

11:19:29 7 THE JUROR: 207. Jaime Gomez.

11:19:33 8 MR. GARDNER: Jaime Gomez is a horse trainer out of

11:19:36 9 California.

11:19:36 10 THE JUROR: No.

11:19:37 11 THE COURT: All right. Let the record reflect that

11:19:40 12 that's not the right Jaime Flores.

11:19:43 13 THE JUROR: 319. Donna Cowling.

11:19:46 14 MR. GARDNER: Donna Cowling is a special agent with the

11:19:49 15 FBI here in Austin, Texas, your Honor.

11:19:50 16 THE COURT: All right.

11:19:52 17 THE JUROR: She's a family friend of my husband's.

11:19:55 18 THE COURT: Okay. The fact that she may testify, would

11:20:01 19 that -- would you be able to evaluate her testimony just like

11:20:05 20 anybody else? Or because you know her, you think it would be

11:20:08 21 best not for you to be on the jury to determine her credibility?

11:20:13 22 THE JUROR: I would like to think that I would listen

11:20:16 23 to her testimony. I just don't -- not certain if that's the

11:20:19 24 case.

11:20:20 25 THE COURT: You know, we're not in my courtroom. My

11:20:21 1 courtroom, I have a horseshoe there and I pick it up when I get
11:20:25 2 something like that, and I say, you know, there's no point in
11:20:29 3 being close in the courtroom. Can you represent to these parties
11:20:35 4 that you can listen to her testimony and evaluate it just like
11:20:38 5 you would anybody that you did not know?

11:20:40 6 THE JUROR: Yes, sir.

11:20:41 7 THE COURT: All right. Thank you. Anybody else? All
11:20:46 8 right.

11:20:50 9 MR. DEGEURIN: Your Honor, may we approach the bench?

11:20:56 10 THE COURT: You may.

11:20:58 11 (At the bench, on the record.)

11:21:16 12 MR. DEGEURIN: I'm going to object to using the
11:21:16 13 nickname "Pitufo" as a witness. We can't identify -- we know who
11:21:29 14 he is but not by that nickname. He doesn't even use that name
11:21:31 15 himself, "Pitufo." If there's a security reason or something,
11:21:37 16 I'd like to know about it. But otherwise, I'm going to object to
11:21:41 17 it and see if anybody knows him.

11:21:41 18 MR. GARDNER: Your Honor, that is the name by the
11:21:45 19 Mexican government that was assigned for the protected witness.
11:21:45 20 He's never testified here in the United States. There is a
11:21:53 21 security reason. If he were to testify anywhere, the name
11:22:00 22 "Pitufo" was definitely going to be released. They would
11:22:00 23 recognize him by the name "Pitufo." But it's --

11:22:03 24 MR. DEGEURIN: But if someone were to know him.

11:22:06 25 THE COURT: Well, I think it's highly unlikely that you

11:22:08 1 might have to inquire. In the present time, I'll overrule the
11:22:13 2 objection.

11:22:14 3 MR. DEGEURIN: Yeah. I don't mean to put anybody in
11:22:17 4 danger, but, I mean, are you saying that his real name --

11:22:19 5 MR. GARDNER: Yes.

11:22:20 6 MR. DEGEURIN: -- cannot be used in the United States?

11:22:23 7 MR. GARDNER: If he is to take the stand, then his real
11:22:26 8 name will be used.

11:22:27 9 MR. DEGEURIN: Oh, okay.

11:22:28 10 MR. GARDNER: I'm just saying --

11:22:30 11 MR. DEGEURIN: I hope it's not too late for the jury,
11:22:32 12 you know, to find out they know him and have to --

11:22:32 13 MR. GARDNER: Yeah. I'm not going to ask to have him
11:22:35 14 identified --

11:22:38 15 MR. DEGEURIN: Okay. My objection has been overruled?

11:22:40 16 THE COURT: Yes, sir.

11:22:41 17 MR. DEGEURIN: I still keep it.

11:22:42 18 THE COURT: Okay. Close to your heart.

11:23:01 19 Okay. When we have these little things, just think of
11:23:05 20 it like the catcher and the pitcher. They run out there and talk
11:23:08 21 for a minute, except I'm the referee, too. I tell them when it's
11:23:15 22 over.

11:23:23 23 Anybody that walks into this courthouse, a black
11:23:31 24 person, an Anglo, an Hispanic, an American citizen, a
11:23:36 25 non-American citizen, everyone that walks into this courthouse

11:23:42 1 has the same constitutional rights that we all have that are
11:23:47 2 sitting here. Now, some folks, for whatever reason, may be good,
11:23:56 3 may be bad, doesn't make any difference, can't apply that rule.
11:24:05 4 But in the courtroom, it has to be applied. When they come and
11:24:07 5 testify, it doesn't make any difference, the race, the
11:24:12 6 nationality, the citizenship, the jury must determine the
11:24:18 7 credibility of the witness when he testifies, but you can't be
11:24:25 8 influenced by something of the physical makeup of a person.

11:24:33 9 Now, is there anybody on the panel who can't represent
11:24:36 10 to me that any witness that comes in here, no matter what race,
11:24:44 11 gender, citizenship, you cannot start off even and listen to the
11:24:53 12 testimony and judge that person solely on the testimony and not
11:25:00 13 where that person is from, or what he looks like, or she? If you
11:25:04 14 can't do that, not anything wrong with that. Some people can't.
11:25:09 15 But I need to know that now.

11:25:13 16 All right. It's mentioned in the indictment that Mr.
11:25:28 17 Colorado is the owner of an oil field environmental remediation
11:25:35 18 company in Mexico, or a company in Mexico, anyway, referred to as
11:25:43 19 ADT. Is there anybody on the panel who's ever heard of that
11:25:46 20 corporation?

11:25:56 21 Is there anybody on the panel who, actively now or in
11:25:59 22 the past, has been involved in the oil field environmental
11:26:05 23 remediation business?

11:26:12 24 COURT SECURITY OFFICER: Your Honor.

11:26:14 25 THE COURT: Okay.

11:26:16 1 THE JUROR: 21. I wasn't involved in the business, but
11:26:19 2 I worked for TCEQ, Texas Commission on Environmental Quality.
11:26:29 3 THE COURT: And did you work with any company called
11:26:31 4 ADT?
11:26:32 5 THE JUROR: No, sir. But I did do risk assessment with
11:26:36 6 work on projects that might have involved oil pollution and such.
11:26:42 7 THE COURT: As far as you know with the allegations
11:26:46 8 you've heard in this case, does the fact that somebody might have
11:26:54 9 been associated with an oil remediation company, would that be
11:26:59 10 influential to you?
11:27:00 11 THE JUROR: No, sir.
11:27:01 12 THE COURT: Thank you. All right.
11:27:04 13 COURT SECURITY OFFICER: Your Honor, lady to the left.
11:27:07 14 THE COURT: Okay. Now, somebody's going to have to
11:27:09 15 stand up. Okay.
11:27:10 16 THE JUROR: I am standing. I'm Juror 102.
11:27:17 17 THE COURT: Before you get to laughing, my wife's
11:27:20 18 five-two.
11:27:20 19 THE JUROR: Juror 102. My husband's in the
11:27:22 20 environmental remediation business.
11:27:23 21 THE COURT: Okay. And have you ever heard of this
11:27:26 22 company in Mexico?
11:27:27 23 THE JUROR: I can't say that I have.
11:27:28 24 THE COURT: Okay. Whether you can't say or not, have
11:27:32 25 you heard?

11:27:32 1 THE JUROR: I have not.

11:27:33 2 THE COURT: Okay. All right. Thank you.

11:27:37 3 Well, the next thing we're going to get into, I want to
11:27:40 4 know on this side of how many of you have ever been in the horse
11:27:45 5 business? I'm not talking about a horse in the backyard that the
11:27:49 6 kids ride and ate a lot of hay. I'm talking about raising
11:27:56 7 horses, whether on a farm or a ranch, and, of course, raising
11:28:00 8 horses in racing horses and quarter horses. So how many of you
11:28:06 9 have experience in raising, or riding, or buying, or selling
11:28:20 10 quarter horses? How many of you back -- we've got one here. If
11:28:23 11 you'd tell me your number please.

11:28:24 12 THE JUROR: No. 80.

11:28:26 13 THE COURT: And tell me how you're associated.

11:28:29 14 THE JUROR: If I understood the question properly, I
11:28:32 15 have a horse -- we had horses when I was younger.

11:28:35 16 THE COURT: Pardon me?

11:28:36 17 THE JUROR: We had horses in our family when I was
11:28:39 18 younger.

11:28:39 19 THE COURT: Okay. Did you know if it was a quarter
11:28:41 20 horse or not?

11:28:42 21 THE JUROR: It was a quarter horse.

11:28:43 22 THE COURT: Okay. And did it race other than when you
11:28:45 23 were on it?

11:28:46 24 THE JUROR: No.

11:28:47 25 THE COURT: Okay. All right. Thank you, ma'am.

11:28:50 1 Anybody else? And the fact that you know things about horses, it
11:28:55 2 may be important to the lawyers, so be liberal in your answer.

11:29:00 3 How about back here? Anybody, background with horses? We'll
11:29:04 4 start off with you in the corner, sir.

11:29:06 5 THE JUROR: Forty-seven. Up in Ohio, we dealt with
11:29:11 6 pacers and trotters and they would stay on our ranch.

11:29:14 7 THE COURT: Okay. All right. Never did have any
11:29:18 8 quarter horses?

11:29:18 9 THE JUROR: No, sir.

11:29:19 10 THE COURT: They're really interesting to watch. I've
11:29:23 11 just seen those on television. Okay. Next. Yes.

11:29:27 12 THE JUROR: 205. I own several quarter horses. I was
11:29:32 13 barrel racing, my daughter barrel raced, but we did not race in
11:29:37 14 quarter horse racing.

11:29:38 15 THE COURT: All right. And where did you do the barrel
11:29:40 16 racing?

11:29:41 17 THE JUROR: South Texas, Corpus Christi area.

11:29:44 18 THE COURT: Okay. Thank you. Anybody else? I've got
11:29:50 19 one way in the back.

11:29:52 20 THE JUROR: Ninety. My husband's family raised some
11:29:58 21 horses that they sold, but that was before I joined the family.

11:30:03 22 THE COURT: Where was that, ma'am?

11:30:05 23 THE JUROR: In Brenham, Texas.

11:30:06 24 THE COURT: All right. Thank you. Yes, ma'am.

11:30:13 25 THE JUROR: 319. My stepmother's family used to buy

11:30:18 1 and race quarter horses, particularly after their racing
11:30:25 2 lifespan.

11:30:25 3 THE COURT: Okay. And where do they live?

11:30:28 4 THE JUROR: Georgetown, Texas.

11:30:29 5 THE COURT: Okay. Yes. You don't need -- yeah.
11:30:35 6 You're right.

11:30:36 7 THE JUROR: No. 6. My father trained quarter horses in
11:30:40 8 the late '80s, early '90s in South Texas.

11:30:44 9 THE COURT: Where now?

11:30:45 10 THE JUROR: Victoria, Goliad County.

11:30:48 11 THE COURT: Okay. Did you ever assist?

11:30:50 12 THE JUROR: No. I did not.

11:30:51 13 THE COURT: Did you ever ride?

11:30:52 14 THE JUROR: I never rode.

11:30:54 15 THE COURT: You want to sit down? Yes, ma'am.

11:31:01 16 THE JUROR: 181. Just horses for pleasure. Worked at
11:31:07 17 a stable as a young girl.

11:31:09 18 THE COURT: Whereabouts?

11:31:10 19 THE JUROR: South Texas, Dickinson area, south of
11:31:15 20 Houston.

11:31:16 21 THE COURT: Thank you. Anybody else want to tell us
11:31:18 22 about horses? Yes.

11:31:19 23 THE JUROR: 252. Distant family members raised quarter
11:31:25 24 horses. My wife worked for them for a short time.

11:31:26 25 THE COURT: Whereabouts?

11:31:27 1 THE JUROR: In Lee County.

11:31:28 2 THE COURT: Okay. Thank you. Did I get everybody?

11:31:39 3 See, the nice thing about being here, I've got somebody that's
11:31:42 4 going to correct me there and somebody's going to correct me
11:31:44 5 there.

11:31:49 6 All right. How many of you have ever been to a quarter
11:31:55 7 horse race in Ruidoso or anywhere else? Okay. Let's slow down
11:32:01 8 just a minute. Racing is one thing, riding is another
11:32:06 9 apparently. Let's do it by rows because the lawyers will want to
11:32:11 10 check y'all off. So raise your hand on the first row. Five of
11:32:20 11 them. Keep them up. I'm not going to ask you if you won or
11:32:28 12 lost. Okay. How about the next row? Now, how did y'all get
11:32:38 13 five on one row? How about the next row? We've got two. And
11:32:44 14 the last row? One.

11:32:48 15 MR. MAYR: Judge, could we do it one more time?
11:32:51 16 They're popping up and going right back down.

11:32:52 17 THE COURT: No. They weren't, but the lawyers are
11:32:54 18 slow. They're just like me, they want a secretary. Okay. Let's
11:32:57 19 do third row again. Two. And then, we had one on the last row.
11:33:08 20 Okay. Let's try over here. Anybody been -- okay. Just the
11:33:13 21 first row. Keep your hand up. Okay. Next row, please. I have
11:33:29 22 two.

11:33:33 23 MS. WILLIAMS: Judge, if they could stand up, we could
11:33:35 24 see their numbers a lot better.

11:33:36 25 THE COURT: You've been requested to stand up. All of

11:33:40 1 you'd better stand up. Okay. And the next row. If y'all will
11:33:46 2 stand up, please. Four. And the next row. Two. Anybody else
11:34:11 3 on that back row? Okay. And how about over here on the right
11:34:22 4 side? All right. I've already got two of you with numbers. But
11:34:32 5 I don't have your number, if you'll do.

11:34:35 6 THE JUROR: 154A.

11:34:39 7 THE COURT: All right. All of you who have gone to a
11:34:43 8 racetrack and seen a quarter horse race, was that so astounding
11:34:51 9 in your life that would influence you if you're to be a juror in
11:34:55 10 this case? I see no hands.

11:35:02 11 Now, I didn't inquire about anybody working for the
11:35:08 12 FBI.

11:35:09 13 MS. DEMINGS: We've got some more.

11:35:10 14 THE JUROR: 3A. I just wanted clarification. I've
11:35:14 15 been at a track working and seeing the races, but I've never gone
11:35:18 16 on my own volition to go see the race.

11:35:21 17 THE COURT: Well, that's all right. If you worked at a
11:35:24 18 track, they want to know that. Which track?

11:35:26 19 THE JUROR: Well, I worked for Pepsi and we would go to
11:35:28 20 the different tracks. They had horse races in Manor at the Manor
11:35:31 21 Downs track. I don't know if those are the quarter horses or
11:35:34 22 not.

11:35:34 23 THE COURT: But you were selling cold drinks?

11:35:37 24 THE JUROR: Yeah. I worked I was a technician for
11:35:39 25 Pepsi, and so, we would go out there, and in between, we'd watch

11:35:42 1 some of the races and things like that. But.

11:35:45 2 THE COURT: Well, I'm sure they have some quarter
11:35:47 3 horses in Manor. Okay. Well, you told us.

11:35:57 4 Let's stay right here and this group. Other than the
11:36:02 5 FBI, is there in your immediate family or you that's ever been
11:36:07 6 involved in active law enforcement? Yes, ma'am. If you'll tell
11:36:13 7 me.

11:36:13 8 THE JUROR: My brother.

11:36:15 9 THE COURT: What now?

11:36:15 10 THE JUROR: 111.

11:36:20 11 THE COURT: And what was it?

11:36:21 12 THE JUROR: My brother.

11:36:22 13 THE COURT: And what did he do?

11:36:23 14 THE JUROR: Did. He's a police officer in northern
11:36:26 15 California, but also participated in undercover task force for
11:36:32 16 narcotics.

11:36:32 17 THE COURT: Is he retired now?

11:36:34 18 THE JUROR: No. He's deceased.

11:36:35 19 THE COURT: He's deceased. All right. Yes, ma'am.

11:36:39 20 THE JUROR: Fifteen. I was involved in city code
11:36:43 21 enforcement. I don't know if you're calling that law enforcement
11:36:46 22 or not.

11:36:46 23 THE COURT: Just depends. If I got a ticket, I would
11:36:50 24 probably say so. Yes. For what entity?

11:36:54 25 THE JUROR: The city health department.

11:36:56 1 THE COURT: Okay. Yes, sir.

11:36:58 2 THE JUROR: 282. I had a nephew that was highway

11:37:09 3 patrolman. And I had a brother-in-law that was a police officer.

11:37:13 4 THE COURT: Whereabouts?

11:37:14 5 THE JUROR: At Lockhart.

11:37:17 6 THE COURT: Okay. Thank you. Yes, ma'am.

11:37:21 7 THE JUROR: 272. My brother-in-law used to work with a

11:37:26 8 threat assessment group monitoring phone calls with the jail

11:37:30 9 system.

11:37:31 10 THE COURT: Okay. Worked for county sheriff?

11:37:33 11 THE JUROR: No. He worked in Huntsville.

11:37:36 12 THE COURT: Okay.

11:37:37 13 THE JUROR: Huntsville, Texas.

11:37:38 14 THE COURT: Okay. The prison system there. Okay.

11:37:40 15 Thank you. Yes, ma'am.

11:37:41 16 THE JUROR: 181. I currently work for the city,

11:37:48 17 support the Office of the Medical Director that supports EMS, AFD

11:37:53 18 and APD. And had a cousin who is a narcotics officer in Houston.

11:37:59 19 THE COURT: All right. Thank you. Yes, ma'am.

11:38:03 20 THE JUROR: 127. My mother-in-law is a retired federal

11:38:07 21 judge for the U.S. Air Force.

11:38:09 22 THE COURT: Okay. Administrative judge?

11:38:11 23 THE JUROR: Yes, sir.

11:38:11 24 THE COURT: Thank you. Yes, ma'am.

11:38:14 25 THE JUROR: 268. My dad is a career law enforcement in

11:38:19 1 Lockhart. And my uncle-in-law works for APD.

11:38:23 2 THE COURT: What type of work did he do?

11:38:24 3 THE JUROR: My uncle-in-law works for APD. My father

11:38:27 4 works in Lockhart as a police officer.

11:38:30 5 THE COURT: Okay.

11:38:32 6 THE JUROR: 208. My retired husband was an arson

11:38:35 7 investigator with the fire department in Austin.

11:38:37 8 THE COURT: Here in Austin?

11:38:38 9 THE JUROR: Uh-huh.

11:38:39 10 THE COURT: All right. Yes, sir.

11:38:40 11 THE JUROR: Seventy-eight. I have a cousin that was a

11:38:44 12 police officer for Huntsville Police Department, accident

11:38:48 13 investigator.

11:38:48 14 THE COURT: All right. Yes, ma'am.

11:38:51 15 THE JUROR: I have an uncle who was in the Arizona

11:38:54 16 Highway Patrol.

11:38:56 17 THE COURT: Okay. Anybody else on this side? Yes,

11:39:01 18 sir.

11:39:01 19 THE JUROR: My son -- 189. My son is a active police

11:39:06 20 officer right now in San Antonio.

11:39:07 21 THE COURT: All right. Thank you. All right. Back

11:39:11 22 over here, let's try the front row. Yes, ma'am.

11:39:16 23 THE JUROR: 182. Texas Department of Public Safety

11:39:19 24 criminal.

11:39:24 25 THE COURT: What did you do?

11:39:25 1 THE JUROR: I was a crime analyst.

11:39:26 2 THE COURT: Okay. Yes.

11:39:29 3 THE JUROR: Sixty-seven. My son-in-law's a deputy

11:39:31 4 sheriff.

11:39:32 5 THE COURT: Whereabouts?

11:39:33 6 THE JUROR: San Joaquin County, California.

11:39:36 7 THE COURT: Okay. Yes.

11:39:37 8 THE JUROR: Forty-four. While with the military, I was

11:39:41 9 a criminal investigator.

11:39:43 10 THE COURT: Okay. And where was that?

11:39:46 11 THE JUROR: In the United States and overseas. I was

11:39:50 12 in the military.

11:39:51 13 THE COURT: Well, I understand that, but so you did it

11:39:53 14 both outside the United States and inside?

11:39:56 15 THE JUROR: (Moving head up and down.)

11:39:56 16 THE COURT: Okay. All right. Anybody else on the

11:39:59 17 second row? If you'd just do me -- just stand.

11:40:04 18 THE JUROR: 207. I'm a retired detective with the

11:40:08 19 Austin Police Department.

11:40:08 20 THE COURT: All right. How long have you been retired?

11:40:11 21 THE JUROR: I retired in '05.

11:40:13 22 THE COURT: Okay. Thank you.

11:40:15 23 THE JUROR: Thirty-six. I have a cousin who works for

11:40:20 24 Travis County Sheriff's Department and a cousin that works with

11:40:22 25 the Williamson County Sheriff's Department.

11:40:23 1 THE COURT: All right. Thank you.

11:40:26 2 THE JUROR: 209. My brother was a Bastrop County

11:40:29 3 sheriff's deputy.

11:40:30 4 THE COURT: All right. You say was.

11:40:32 5 THE JUROR: Yes, sir. Not anymore.

11:40:34 6 THE COURT: Okay. And I saw somebody -- yes.

11:40:38 7 THE JUROR: 206. My husband in Pennsylvania was a

11:40:42 8 part-time municipal.

11:40:47 9 THE COURT: All right. Thank you. Anybody else on

11:40:51 10 this side right here? Yes, sir.

11:40:53 11 THE JUROR: 144. My first cousin who's a state

11:40:59 12 trooper.

11:41:00 13 THE COURT: Okay. In Texas?

11:41:02 14 THE JUROR: Yes.

11:41:02 15 THE COURT: Okay.

11:41:03 16 THE JUROR: Austin.

11:41:04 17 THE JUROR: Fifty-four. I used to work for the capitol

11:41:10 18 with state conflicts.

11:41:11 19 THE COURT: Was that -- is that for the state?

11:41:13 20 THE JUROR: It was the capitol complex and now DPS.

11:41:17 21 But it was capitol system in the late '80s.

11:41:19 22 THE COURT: Okay.

11:41:20 23 THE JUROR: 252. My wife worked for the animal control

11:41:23 24 officers for the police department in Giddings.

11:41:25 25 THE COURT: All right.

11:41:27 1 THE JUROR: Juror 8. Currently, APD. Can I approach
11:41:33 2 the bench and tell you?

11:41:35 3 THE COURT: You may. While he's approaching, is there
11:41:41 4 anybody else?

11:41:41 5 THE JUROR: Forty-one. My sister-in-law's husband was
11:41:44 6 an attorney with the U.S. Department of Justice.

11:41:47 7 THE COURT: Where?

11:41:48 8 THE JUROR: The U.S. Department of Justice.

11:41:51 9 THE COURT: I know, but U.S. has got a lot of land.

11:41:54 10 THE JUROR: Oh, Utah.

11:41:55 11 THE COURT: Okay. Yes.

11:41:58 12 THE JUROR: Seventy-two. I spent ten years as a
11:42:01 13 military policeman. When I got out, I married a prosecutor in
11:42:05 14 Illinois.

11:42:07 15 THE COURT: I'm not going to touch that one.

11:42:17 16 THE JUROR: Seventy-seven. I was formerly employed
11:42:19 17 with Williamson County Sheriff's Office crisis intervention
11:42:23 18 officer.

11:42:23 19 THE COURT: All right. Counsel.

11:42:37 20 (At the bench, on the record.)

11:42:45 21 THE JUROR: My daughter currently works for the police
11:42:47 22 chief here in Austin and she's on the staff. She is the PIO
11:42:53 23 manager.

11:42:54 24 THE COURT: What is the PI?

11:42:56 25 THE JUROR: Public information officer.

11:43:00 1 THE COURT: She's been busy.

11:43:01 2 THE JUROR: Yes, sir.

11:43:02 3 THE COURT: Okay. You can go back to your seat.

11:43:04 4 THE JUROR: Okay. I just didn't know.

11:43:20 5 THE COURT: Over here. Yes, ma'am.

11:43:23 6 THE JUROR: 319. We have a cousin who's a detective

11:43:26 7 with APD and then, another cousin who works for the Hays County

11:43:29 8 Sheriff's Department.

11:43:30 9 THE COURT: All right.

11:43:32 10 THE JUROR: 167. You've already moved me.

11:43:35 11 THE COURT: That's right. You're like that button on

11:43:38 12 the TV that says mute.

11:43:43 13 THE JUROR: A1. My sister-in-law is a deputy sheriff

11:43:49 14 in Travis County.

11:43:49 15 THE JUROR: No. 90. My cousin was DPS undercover

11:43:56 16 officer.

11:43:56 17 THE COURT: Whereabouts?

11:43:57 18 THE JUROR: He worked -- I don't know where he worked,

11:44:04 19 where he did his work. I don't know.

11:44:06 20 THE COURT: Well, I understand that. But where did he

11:44:08 21 live?

11:44:09 22 THE JUROR: He lived in Montgomery County.

11:44:14 23 THE COURT: Thank you, ma'am. Yes, sir.

11:44:16 24 THE JUROR: Sixty-eight. My father-in-law was a DEA

11:44:20 25 agent.

11:44:21 1 THE COURT: Okay. Whereabouts?

11:44:22 2 THE JUROR: Miami.

11:44:23 3 THE COURT: All right.

11:44:26 4 THE JUROR: 29A. My cousin is currently employed with
11:44:31 5 Bastrop County. He's a trooper, I believe. Or not trooper but
11:44:36 6 patrol. And then, his wife works for DPS and she is a trooper.

11:44:40 7 THE COURT: All right. Okay. Those of you who have in
11:44:45 8 the past or present served and those who have family, talked with
11:44:50 9 your family, you have stories you tell -- I don't want to hear
11:44:54 10 them, but what I do want to know is, is there anybody who can't
11:45:02 11 set aside those experiences, not let them influence you if you're
11:45:09 12 to be a juror in this case, and make your mind up solely on what
11:45:13 13 you hear with your fellow jurors in testimony? If you can't do
11:45:19 14 that, please let me know. Yes, ma'am. Number.

11:45:24 15 THE JUROR: No. 111.

11:45:26 16 THE COURT: 111. I'm going to replace you. I'm going
11:45:29 17 to let you go sit over there with Mr. Mute.

11:45:36 18 MS. DEMINGS: Juror No. 111 is replaced by Juror 200.

11:45:57 19 THE COURT: Anybody else? This gentleman right here,
11:46:16 20 who almost jumped out of his seat when I looked at him, is an
11:46:22 21 interpreter. He's a very good interpreter. Many of the people
11:46:28 22 who may testify in this case require interpreters. Right now,
11:46:33 23 he's interpreting what I say to the people in the audience who
11:46:37 24 are interested and who prefer Spanish for comprehension purposes,
11:46:45 25 and perhaps some of the defendants.

11:46:47 1 Now, is there anybody on the panel, simply because a
11:46:51 2 person has to use or prefers -- sometimes you don't have to, but
11:46:55 3 prefers to use an interpreter for that reason alone, would
11:47:02 4 discount that person's testimony? If so, let me know.

11:47:08 5 All right. One of the questions requested by the
11:47:43 6 lawyers is about expert witnesses. I don't know if there are
11:47:48 7 going to be expert witnesses or not in this case. Generally are
11:47:52 8 expert witnesses who testify in federal court. An expert is a
11:47:57 9 person who by education or experience has expertise in a subject
11:48:02 10 that can convince me that he's entitled to give an opinion.
11:48:05 11 Because other witnesses are not allowed to give an opinion. They
11:48:13 12 testify what they see, what they hear, what they do.

11:48:16 13 An expert can give an opinion. The jury evaluates an
11:48:22 14 expert just like any other witness. You listen to the expertise
11:48:28 15 and why he thinks he's or she's an expert. You have the right to
11:48:33 16 believe any, and all of their testimony, none of their testimony.
11:48:38 17 You just have to make that determination just like anybody else
11:48:43 18 that's not an expert.

11:48:46 19 Now, is there anybody who couldn't do that? Is there
11:48:51 20 anybody who thinks, well, if that person's an expert and gives an
11:48:54 21 opinion, I've got to do it? Now, I'll give you an instruction
11:48:58 22 that you don't got to do it. But the question is, is there
11:49:03 23 anybody on the panel who would believe an expert just because
11:49:09 24 they qualify as an expert and would not evaluate their testimony?

11:49:15 25 All right. Has anybody ever sworn out a criminal

11:49:29 1 complaint? I'm excluding anybody in law enforcement that have
11:49:34 2 already answered the questions. Anybody ever gone down and/or
11:49:38 3 had law enforcement ask you to swear out a criminal complaint?
11:49:43 4 Anybody over here had that experience? I have one hand. If
11:49:48 5 you'll tell me your number, please.

11:49:49 6 THE JUROR: Ninety-three.

11:49:51 7 THE COURT: And was that with assistance of law
11:49:55 8 enforcement, or was that like in the justice case, or what?

11:49:58 9 THE JUROR: It was in criminal cases representing
11:50:02 10 clients in cases that were reduced down from misdemeanors to
11:50:07 11 tickets.

11:50:07 12 THE COURT: Oh, I see. Okay. Thank you. Anybody
11:50:16 13 else? A complaint in a criminal case. All right.

11:50:28 14 Lawyers want to know how many of you have been in the
11:50:31 15 military. Let's do it by rows. How many on the first row been
11:50:37 16 in the military? Number, please, sir.

11:50:41 17 THE JUROR: 282.

11:50:44 18 THE COURT: Okay. What position did you have and when
11:50:49 19 did you cease?

11:50:52 20 THE JUROR: I was in Vietnam era.

11:50:56 21 THE COURT: Okay.

11:50:58 22 THE JUROR: '60s.

11:50:59 23 THE COURT: And what was your rank?

11:51:01 24 THE JUROR: E4 was the highest.

11:51:03 25 THE COURT: Okay. Thank you.

11:51:05 1 THE JUROR: U.S. Army, Vietnam, I was -- I was out on
11:51:13 2 the first of November, '66.

11:51:16 3 THE COURT: And Juror 137.

11:51:18 4 THE JUROR: Yes. I'm 137.

11:51:19 5 THE COURT: And what did you do?

11:51:21 6 THE JUROR: I was specialist.

11:51:22 7 THE COURT: What was your rank?

11:51:23 8 THE JUROR: E4.

11:51:24 9 THE COURT: E4. Thank you. Anybody else on the front
11:51:27 10 row? How about the second row? Yes, ma'am.

11:51:29 11 THE JUROR: I was an E6 active duty from January '88 to
11:51:32 12 November '97. And I'm currently in the reserves for the Navy as
11:51:38 13 E6.

11:51:38 14 THE COURT: All right. Thank you. Yes, sir.

11:51:42 15 THE JUROR: 318. I retired from the Air Force, 20
11:51:46 16 years.

11:51:47 17 THE COURT: And what was your rank when you retired?

11:51:50 18 THE JUROR: Seven.

11:51:52 19 THE COURT: Thank you.

11:51:53 20 THE JUROR: No. 172. I was in the Navy for
11:51:58 21 four-and-a-half years, ranked E4, and then, was in reserves for
11:52:04 22 twelve years and ranked E6.

11:52:07 23 THE COURT: All right. Thank you. Yes, ma'am.

11:52:09 24 THE JUROR: No. 119. U.S. Army, 19 -- oh, gosh, it's
11:52:22 25 been so long.

11:52:23 1 THE COURT: More than five years ago?

11:52:24 2 THE JUROR: Yes. In the late '70s.

11:52:27 3 THE COURT: And what rank did you have?

11:52:29 4 THE JUROR: E4.

11:52:30 5 THE COURT: Thank you, ma'am. All right. Anybody else

11:52:33 6 on that row? How about the third row? Yes, sir.

11:52:36 7 THE JUROR: Yes, your Honor. I retired as lieutenant

11:52:38 8 colonel in 1992. My last job was a political military planner in

11:52:42 9 the joint chiefs of staff from 2006 to 2009. I was a civilian

11:52:46 10 employee of the Department of Defense as a professor of national

11:52:50 11 security affairs, specializing in Latin America.

11:52:53 12 THE COURT: All right. Thank you. Yes, sir.

11:52:56 13 THE JUROR: Ninety-seven. I was in the Air Force from

11:53:00 14 '66 till '70, E4. I was in communications.

11:53:03 15 THE COURT: Thank you, sir. Anybody else on this side?

11:53:10 16 Front row on this side?

11:53:15 17 THE JUROR: I'm No. 47. I was in the Air Force from

11:53:20 18 '82 to '86, electronic measures.

11:53:24 19 THE COURT: Thank you.

11:53:25 20 THE JUROR: 290. Air Force, retired, E8.

11:53:30 21 THE COURT: All right. Thank you. Anybody else on

11:53:32 22 that row? How about second row back there? Yes, sir.

11:53:37 23 THE JUROR: 207. I was in the Air Force, got out in

11:53:40 24 '75. I was an E4.

11:53:42 25 THE COURT: Thank you. Third row. Oh, I have one on

11:53:46 1 the first row.

11:53:48 2 THE JUROR: Forty-four. Retired, E7, 1986, was in
11:53:56 3 avionics and criminal investigations Air Force.

11:54:00 4 THE COURT: All right. Thank you. Let's skip back to
11:54:04 5 the third row then. Yes, sir.

11:54:05 6 THE JUROR: Twenty-one. Naval reserve active duty from
11:54:10 7 1973 through 1975. Operations specialist E4.

11:54:15 8 THE COURT: Thank you.

11:54:17 9 THE JUROR: Juror No. 8. '69 to '73, E4, Air Force.

11:54:22 10 THE COURT: Thank you.

11:54:24 11 THE JUROR: Forty-eight. '66 to '69, Vietnam,
11:54:29 12 communications ammo, ammunition.

11:54:33 13 THE COURT: Thank you. How about that back row back
11:54:36 14 there?

11:54:37 15 THE JUROR: Seventy-two. I was in the Army from '72 to
11:54:42 16 '82. I ended up as a captain running the military police on
11:54:46 17 base.

11:54:46 18 THE COURT: All right. Thank you.

11:54:49 19 THE JUROR: '70s, U.S. Army, got out as captain.

11:54:53 20 THE COURT: All right.

11:54:55 21 THE JUROR: No. 45. U.S. Air Force. I got out E4 in
11:54:59 22 '96.

11:55:00 23 THE COURT: All right, sir. Over here?

11:55:04 24 THE JUROR: Air Force reserves, 1996, communications.

11:55:07 25 THE COURT: Okay. Have we got everybody? All right.

11:55:26 1 One of the easiest questions I ask, which is not meant
11:55:30 2 to be an easy question, by the way, is there anybody who can't
11:55:34 3 commit to me, right now, that if you're selected to be on this
11:55:39 4 jury, that you will follow the legal instructions I give you?
11:55:47 5 Now, I've never had 100 folks leap up, say "No" and try to get
11:55:51 6 out. But it's an important thing because I haven't heard the
11:55:57 7 evidence in this case. I'll be hearing it with the jury.

11:55:59 8 At the end of the evidence, it's my job to legally
11:56:02 9 instruct the jury. I do that orally and in writing. And
11:56:09 10 everybody in the courtroom will expect the jury to follow the
11:56:13 11 legal instructions, the determination of the factual issues in
11:56:18 12 this case. That is, innocence or guilt will be in the verdict,
11:56:21 13 but we will all expect that you follow the legal instructions.
11:56:26 14 Unlike the juries in the 1770s, the jury just determines the
11:56:30 15 facts. The judges determine the law and the legal instructions.

11:56:37 16 Is there anybody here that can't commit to follow the
11:56:39 17 legal instructions? How about back there? And how about over
11:56:47 18 here to the right? Okay. Just give me your number.

11:56:51 19 THE JUROR: Sixty-eight.

11:56:52 20 THE COURT: Okay. Mr. 68 is excused. All right.

11:57:27 21 A couple of more general questions and we're going to
11:57:30 22 have to take a little break. First is, is there anybody on the
11:57:34 23 panel who knows anybody that works here in the courthouse? We
11:57:40 24 have four judges, Judge Yeakel, myself, Judge Austin and Judge
11:57:46 25 Lane. Then we have a lot of probation officers. We have a lot

11:57:49 1 of clerks. We have small offices of other entities in the
11:57:57 2 federal government. Yes, ma'am.

11:58:00 3 THE JUROR: 193. I mean, I can't give any names. I
11:58:03 4 work in the legal field, so I talk to clerks, people
11:58:07 5 particularly.

11:58:07 6 THE COURT: No one-to-one?

11:58:09 7 THE JUROR: No one-to-one significant communications.
11:58:12 8 No.

11:58:12 9 THE COURT: All right. And they're going to ask me if
11:58:15 10 they don't have your slip. What do you do in the legal field?

11:58:18 11 THE JUROR: I'm a paralegal.

11:58:23 12 THE COURT: Anybody else? Yes.

11:58:25 13 THE JUROR: Eight-six. I don't know Judge Austin, but
11:58:28 14 he speaks with the students at my school. So I have met him.
11:58:35 15 Have talked with him.

11:58:35 16 THE COURT: Well, he won't be involved in the case, but
11:58:37 17 the lawyers do like to know who knows anybody at the courthouse.
11:58:44 18 How about the back? Anybody know anybody? Yes.

11:58:50 19 THE JUROR: Just professionally and working with the
11:58:52 20 different attorneys, clerks at the federal court I went to law
11:58:56 21 school with.

11:58:59 22 THE COURT: Okay. Yes, sir.

11:59:00 23 THE JUROR: 207. I know a couple of the marshals that
11:59:02 24 work here.

11:59:05 25 THE COURT: All right.

11:59:07 1 THE JUROR: 102. I know Judge Austin.

11:59:11 2 THE COURT: He's a popular fellow.

11:59:13 3 THE JUROR: He is.

11:59:15 4 THE COURT: He speaks at schools and.

11:59:17 5 THE JUROR: I know him personally and professionally.

11:59:20 6 I work in the legal field, as well.

11:59:22 7 THE COURT: All right. Anybody else there? How about
11:59:27 8 over here?

11:59:28 9 THE JUROR: Yeah. I know Judge Yeakel and Desiree
11:59:33 10 Durst.

11:59:33 11 THE COURT: Okay. Anybody over here know anybody that
11:59:37 12 works in the courthouse? All right.

11:59:52 13 Okay. I've kept you for a couple of hours. I hate to
11:59:59 14 give you a break, but I suspect everybody wants a break. I'd
12:00:05 15 like for you to be back at 1:15. Now, I'm going to give you the
12:00:12 16 most important instructions of all, and that is, talk about how
12:00:21 17 exciting the Masters was yesterday. Talk about how miserable
12:00:27 18 Texas baseball is, but do not talk about this case, even among
12:00:33 19 each other as you go to lunch.

12:00:36 20 The whole system of the way we try cases in the United
12:00:42 21 States in the federal system is that once you are brought in as a
12:00:50 22 potential juror and especially if you're selected as a juror,
12:00:55 23 that you don't talk to anybody about the case, friends, family,
12:01:02 24 social media, telephone, nothing, because we believe that you
12:01:12 25 should not be influenced in any way outside the presence of the

12:01:17 1 other jurors in the courtroom. And they'll all have the same
12:01:21 2 instructions.

12:01:24 3 And I can't tell you how important that is,
12:01:25 4 particularly in this electronic world where you can take your
12:01:29 5 telephone. And mine just dials. The government had to go to a
12:01:35 6 warehouse someplace up in Vermont to find me a telephone that
12:01:40 7 just dials. But yours probably does like my wife's. She finds
12:01:48 8 out anything she wants to find out to tell me I'm wrong usually.
12:01:55 9 Don't talk about it. Don't send a message that you're here on
12:02:00 10 this trial. Please don't do any of that.

12:02:05 11 Every morning, I will ask the jurors and every day,
12:02:08 12 after the noon recess, I will ask the jurors: Have you talked to
12:02:12 13 anybody about this case? Have you permitted anybody to talk to
12:02:17 14 you about this case? Have you learned anything at all about this
12:02:21 15 case, outside the presence of the other jurors in this courtroom?
12:02:28 16 And you have to say "Yes" to those questions under oath or the
12:02:32 17 whole system collapse.

12:02:35 18 So have an hour and 15 minutes. It's going to be hard,
12:02:40 19 but look around to where you are. The clerks are here to assist
12:02:43 20 you to find your right place. But I want you in the same chairs
12:02:47 21 that you're in, please. Okay.

12:05:40 22 (Jury panel not present.)

12:05:44 23 THE COURT: All right. Counsel, you may be seated.
12:05:49 24 Let's sit down. Everybody sit down. Counsel asked me if I'm
12:06:03 25 going to ask you to read your witness list. I will. So that you

12:06:10 1 know what else I'm going to do, I'll get into Victims of Crime
12:06:17 2 and criminal charges. And then, I usually will have the jurors
12:06:27 3 give us a little summary of who they are and what they do.

12:06:36 4 If you have any individual questions raised by the
12:06:38 5 questionnaire during the break, write them out for me, put the
12:06:43 6 number of the juror and the specific number if you can't tell
12:06:50 7 from their answers something, let me look at it so that I can
12:06:55 8 decide if I'm going to give it or not.

12:06:57 9 For those of you who were kind enough to send me the
12:07:02 10 voir dire, I think I've covered your questions. If you don't
12:07:06 11 think I've covered the questions, let me know. But I'm not
12:07:14 12 through with voir dire. I think probably we're looking at an
12:07:18 13 hour and a half by the time I get through the number I think we
12:07:24 14 need to go to, and then, we'll give you the best idea of timing
12:07:30 15 right now.

12:07:32 16 All right. Anything else before we take a break?
12:07:36 17 1:15.

12:07:50 18 (Lunch recess.)

13:19:17 19 (Jury panel present.)

13:19:17 20 THE COURT: All right. Will all those who didn't
13:19:19 21 return stand up? Juror No. 25, they used to have a tradition in
13:19:27 22 the old courthouse that when the last one came in, everybody
13:19:32 23 would stand up and clap. But this is a new courthouse.

13:19:42 24 All right. The next series of questions I'm going to
13:19:44 25 ask, you've answered in part, some and some have not. I can just

13:19:52 1 tell you, even though this is a new courthouse, the courthouse
13:19:55 2 down the street -- or up the street, as the case may be, has
13:20:00 3 heard every answer to these questions that you could think
13:20:05 4 possible.

13:20:05 5 The question is, have you ever been arrested or placed
13:20:11 6 in jail? Or has somebody in your immediate family been arrested
13:20:18 7 or placed in jail? And I'll start off, of course. First off,
13:20:25 8 I've been in jail four times, four contempts of court by four
13:20:31 9 different federal judges when I was a practicing lawyer, and I
13:20:37 10 think two of them were wrong. I have five sons and one daughter,
13:20:46 11 and I've had to go down and get a boy or two out of jail. Never
13:20:54 12 adult.

13:20:55 13 So if there is an answer that you prefer to be in
13:21:00 14 private, just say, "I'd like to come to the bench," and then, you
13:21:05 15 can come over here. But that's where we're going to start off.
13:21:09 16 You or some member of your immediate family, children, parents,
13:21:14 17 spouses, on the front row, anybody heed to answer that? Yes,
13:21:21 18 ma'am.

13:21:21 19 THE JUROR: No. 135. My son, I guess it's DUI.

13:21:29 20 THE COURT: And did you get that privilege going down
13:21:32 21 and seeing him in jail?

13:21:33 22 THE JUROR: Just sat and wait for him to get processed
13:21:37 23 out.

13:21:37 24 THE COURT: Well, that qualifies. Okay. And about how
13:21:39 25 long ago was that?

13:21:45 1 THE JUROR: I think it was November of last year.

13:21:47 2 THE COURT: Okay. Thank you. Yes, next.

13:21:53 3 THE JUROR: 282. My son was in jail about four or five

13:21:59 4 years ago.

13:21:59 5 THE COURT: Okay. And about how long ago was that,

13:22:02 6 sir?

13:22:02 7 THE JUROR: About four years, five years ago.

13:22:04 8 THE COURT: And what was it for, do you know --

13:22:06 9 remember?

13:22:07 10 THE JUROR: Yeah. He failed to appear in court.

13:22:16 11 THE COURT: Everybody hear that? Thanks. All right.

13:22:21 12 Next. Yes, sir.

13:22:22 13 THE JUROR: 137. May I approach the bench there?

13:22:27 14 THE COURT: You may, sir. Just right up here.

13:22:32 15 (At the bench, on the record.)

13:22:42 16 THE JUROR: Okay. I filled out the questionnaire in

13:22:48 17 explicit detail, but just to put the dot at the end of the

13:22:52 18 sentence, me, personally, in 1966, and I spent three days in the

13:23:00 19 county jail.

13:23:00 20 THE COURT: Okay. And that was petty larceny?

13:23:03 21 THE JUROR: Uh-huh.

13:23:04 22 THE COURT: And.

13:23:06 23 THE JUROR: And one DWI, about 30 years ago. No one

13:23:09 24 was hurt. I just got a ticket.

13:23:12 25 THE COURT: Okay.

13:23:13 1 THE JUROR: And they put me in jail overnight.

13:23:15 2 THE COURT: Thank you.

13:23:17 3 THE JUROR: Okay.

13:23:29 4 THE COURT: I think the most favorite answer I've had,
13:23:32 5 over all of the years, is one lady said that her mother, who was
13:23:38 6 87, was arrested because she went out to the nuclear facility
13:23:43 7 here between Houston and Austin and sat in a patch of bluebonnets
13:23:48 8 and wouldn't leave when they told them. Yes, sir.

13:23:53 9 THE JUROR: 340. My brother was arrested back when he
13:23:56 10 was in high school. So it's been 20 years now.

13:23:58 11 THE COURT: Okay. Did you go down to the jail?

13:24:01 12 THE JUROR: No.

13:24:02 13 THE COURT: All right. Next. Yes, sir.

13:24:03 14 THE JUROR: 256. May I approach the bench?

13:24:07 15 THE COURT: Yes, sir.

13:24:11 16 (At the bench, on the record.)

13:24:19 17 THE JUROR: I had a son in the federal --

13:24:21 18 THE COURT: Wait. Wait.

13:24:23 19 THE JUROR: Okay. I had a son that was in federal
13:24:30 20 court. He was in for a possession and being racketeer, I
13:24:36 21 believe, and he's been out about three years.

13:24:39 22 THE COURT: Okay. And did you go down and see him in
13:24:42 23 jail?

13:24:43 24 THE JUROR: Yeah. Uh-huh.

13:24:43 25 THE COURT: Was he in prison?

13:24:44 1 THE JUROR: Yes, sir.

13:24:44 2 THE COURT: Where was that?

13:24:45 3 THE JUROR: He was in Bastrop and he was in Belton.

13:24:49 4 THE COURT: I understand that, but in what court?

13:24:51 5 THE JUROR: It was in federal. It was a district -- it

13:24:54 6 was a federal court here in Austin.

13:24:57 7 THE COURT: Here in Austin, okay. Thank you, sir.

13:24:59 8 THE JUROR: And I've also been arrested myself.

13:25:01 9 THE COURT: Okay. When was that?

13:25:03 10 THE JUROR: Oh.

13:25:06 11 THE COURT: More than five?

13:25:07 12 THE JUROR: It was in '80 -- '85.

13:25:07 13 THE COURT: And what were you arrested for?

13:25:09 14 THE JUROR: Shoplifting, theft. Uh-huh.

13:25:12 15 THE COURT: Did you go to jail?

13:25:13 16 THE JUROR: I spent jail one night. Uh-huh. Yes, sir.

13:25:16 17 THE COURT: Is that it?

13:25:17 18 THE JUROR: That's all.

13:25:18 19 THE COURT: That's all.

13:25:18 20 THE JUROR: Okay.

13:25:27 21 THE COURT: Anybody else on the first row? Yes, ma'am.

13:25:35 22 THE JUROR: I'd like to approach the bench, please.

13:25:39 23 THE COURT: Yes, ma'am. Get your exercise.

13:25:48 24 (At the bench, on the record.)

13:25:57 25 THE COURT: Mr. Womack. Okay. You're juror number?

13:26:03 1 THE JUROR: Eighty. Well, I misbehaved. I interfered
13:26:06 2 with a 911 phone call, and I got to spend a night in jail.
13:26:11 3 THE COURT: Okay. About how long ago was that?
13:26:13 4 THE JUROR: 2007.
13:26:15 5 THE COURT: Okay. That's it?
13:26:17 6 THE JUROR: Uh-huh.
13:26:18 7 THE COURT: That's all?
13:26:19 8 THE JUROR: That's it.
13:26:19 9 THE COURT: Okay. You may sit down.
13:26:25 10 Anybody else on the first row? So far, I'm leading.
13:26:33 11 How about the second row? Yes, sir.
13:26:34 12 THE JUROR: No. 172. I was working for a friend who
13:26:41 13 was taking all the money out of the account, and so, I wrote -- I
13:26:44 14 was writing the checks, and he was taking the money out without
13:26:47 15 letting me know. So I got busted for writing false checks.
13:26:51 16 THE COURT: Okay. And did you spend any time in jail?
13:26:54 17 THE JUROR: Overnight.
13:26:55 18 THE COURT: Okay. Thank you. Yes, ma'am.
13:26:58 19 THE JUROR: 246. My brother was arrested.
13:27:03 20 THE COURT: How about how long ago?
13:27:05 21 THE JUROR: Oh, ten years.
13:27:06 22 THE COURT: Okay. And did you go see him while he was
13:27:09 23 in jail?
13:27:09 24 THE JUROR: No.
13:27:10 25 THE COURT: All right. Yes, ma'am. I saw a hand up

13:27:12 1 there.

13:27:12 2 THE JUROR: No. 119. My mother, but I was a teenager.
13:27:16 3 It was back in the '70s.

13:27:21 4 THE COURT: Yes, sir.

13:27:22 5 THE JUROR: 318. My daughter, unpaid tickets.

13:27:26 6 THE COURT: And about how long ago was that, sir?

13:27:28 7 THE JUROR: I would say about three.

13:27:30 8 THE COURT: And did you go down to the jail and get her
13:27:32 9 out or see her?

13:27:33 10 THE JUROR: No.

13:27:34 11 THE COURT: Okay. Anybody else on the second row? How
13:27:40 12 about the third? We've got two slow hands up here. Go ahead,
13:27:46 13 sir.

13:27:47 14 THE JUROR: Yeah. Arrested for DUI.

13:27:50 15 THE COURT: About how long ago?

13:27:52 16 THE JUROR: About 15 years ago.

13:27:53 17 THE COURT: Okay.

13:27:55 18 THE JUROR: Twenty-five. DUI, 2006.

13:27:58 19 THE COURT: About how long ago?

13:27:59 20 THE JUROR: 2006.

13:28:01 21 THE COURT: Yes, sir.

13:28:03 22 THE JUROR: 44A. About 18 years ago, my daughter was
13:28:07 23 arrested for DUI. And then, about 15 years ago, my son was
13:28:11 24 arrested for mischief, and they both spent the night in jail.

13:28:15 25 THE COURT: Did you go down?

13:28:16 1 THE JUROR: No, sir. I did not.

13:28:17 2 THE COURT: Yes.

13:28:19 3 THE JUROR: 268. My husband, about four years ago.

13:28:22 4 THE COURT: Okay. And did you go down?

13:28:24 5 THE JUROR: No.

13:28:25 6 THE COURT: Okay. Anybody else on that row? How about

13:28:28 7 the last row? Yes, ma'am.

13:28:32 8 THE JUROR: 15A. My sister, about ten years ago.

13:28:35 9 THE COURT: Okay. And did you go down to the jail?

13:28:37 10 THE JUROR: Yes. It was just overnight.

13:28:40 11 THE COURT: Okay. Thank you.

13:28:42 12 THE JUROR: My son, about ten years ago, and I picked

13:28:45 13 him up in the morning.

13:28:48 14 THE COURT: Yes, ma'am.

13:28:49 15 THE JUROR: Fifty-two. Do ex-spouses count?

13:28:53 16 THE COURT: Well, it depends. But since you're already

13:28:56 17 up there, we all wonder if you went down to the jail.

13:29:01 18 THE JUROR: Yes. I went down to jail. It was in the

13:29:03 19 '80s. I don't even remember the year. And I went down in the

13:29:07 20 jail to get him out. And then, I had a brother arrested for DUI

13:29:11 21 in the early '90s.

13:29:12 22 THE COURT: All right. Thank you, ma'am. All right.

13:29:14 23 Did I get everybody on this side? All right. Let's try the

13:29:18 24 front row over here. Go ahead, sir. Any of you, stand up and

13:29:23 25 we'll get to all of you.

13:29:24 1 THE JUROR: My daughter was arrested and served nine
13:29:28 2 months on an 18-month sentence for writing bad checks.

13:29:31 3 THE COURT: Okay. And during that period of time, did
13:29:34 4 you -- was she incarcerated where you went down to see her?

13:29:38 5 THE JUROR: Yes. And that was about a year and a half,
13:29:44 6 maybe ten years.

13:29:46 7 THE JUROR: 266. I've been in jail twice.

13:29:48 8 THE COURT: About how long ago?

13:29:50 9 THE JUROR: Twenty-two, 23 years ago, DWI. About ten
13:29:54 10 years ago for possession of a weapon.

13:29:56 11 THE COURT: Okay. Was the possession of a weapon
13:30:00 12 misdemeanor?

13:30:01 13 THE JUROR: It was thrown out. I was determined to be
13:30:05 14 a traveler.

13:30:05 15 THE COURT: So you were just arrested and released.

13:30:09 16 THE JUROR: Correct.

13:30:09 17 THE COURT: All right.

13:30:10 18 THE JUROR: 778. Bounced check, 17 years ago.

13:30:15 19 THE JUROR: 261. My husband was arrested about three
13:30:19 20 years ago for reckless driving.

13:30:21 21 THE COURT: Did you go down and see him in jail?

13:30:24 22 THE JUROR: His mom went and got him the next morning.

13:30:29 23 THE COURT: All right. Let's go to the next row. Yes,
13:30:32 24 ma'am.

13:30:33 25 THE JUROR: 258. And I have a son in Chicago and

13:30:38 1 jumped in a bar eight years ago, and he did spend the night in
13:30:43 2 jail, but the thing was dismissed later.

13:30:45 3 THE COURT: Okay. Thank you.

13:30:46 4 THE JUROR: Juror No. 93. My stepson was arrested for
13:30:53 5 assault and a criminal mischief and a criminal trespass in
13:30:57 6 Williamson County. And my youngest son was arrested for DWI,
13:31:02 7 which was dismissed. Another son was arrested for evading when
13:31:07 8 he was young and was dismissed. And my husband spent some time
13:31:13 9 in a jail in Williamson County. And yes, I went to see all of
13:31:17 10 them, except for the one in Houston on a DWI.

13:31:20 11 THE COURT: Well, about how long ago was the last?

13:31:26 12 THE JUROR: Most recent one was probably three years
13:31:29 13 ago.

13:31:29 14 THE COURT: Thank you, ma'am. Yes, sir.

13:31:31 15 THE JUROR: 209. About 15 years ago, I was arrested --
13:31:37 16 I was arrested three times, right out of high school, drinking
13:31:41 17 and MIPs.

13:31:43 18 THE COURT: Did you spend overnight in jail, that type
13:31:47 19 of thing?

13:31:47 20 THE JUROR: Yes, sir.

13:31:48 21 THE COURT: Okay. Yes.

13:31:50 22 THE JUROR: 302. Twenty-one years ago, Class C
13:31:54 23 misdemeanor.

13:31:55 24 THE COURT: Okay. Anybody else?

13:31:58 25 THE JUROR: 207. I got my brother out of jail in the

13:32:01 1 late '80s for fighting.

13:32:04 2 THE COURT: All right.

13:32:06 3 THE JUROR: Twenty-three. My brother went to jail for
13:32:15 4 insobriety was the only thing he was convicted for. And he lived
13:32:17 5 in another state, so I could not get him out of jail.

13:32:19 6 THE COURT: All right.

13:32:23 7 THE JUROR: 103. My brother, about five years ago,
13:32:25 8 DUI.

13:32:26 9 THE COURT: All right. Now, let's go to the next row
13:32:29 10 back. I can't see how many rows that is.

13:32:32 11 THE JUROR: Twenty-one. About four days ago, my older
13:32:40 12 sibling was arrested. As I recall, just spent enough time in
13:32:43 13 jail to be bailed out and overnight maybe. Had community
13:32:48 14 service. I've been in jail longer than that for a -- earlier
13:32:55 15 than that for a teenage beer in the car kind of thing. My
13:33:00 16 parents came and got me out. That's it.

13:33:02 17 THE COURT: All right. Thank you.

13:33:04 18 THE JUROR: 144. Back in '75, I went to jail, spent
13:33:10 19 the night for public intoxication. And 2002, my son spent the
13:33:16 20 night in jail for impersonating a police officer.

13:33:21 21 THE COURT: I guess he was a bad impersonation.

13:33:27 22 THE JUROR: Forty-eight. Moving violations in Sherman,
13:33:31 23 Texas. Went before the judge. He asked me if I had the
13:33:37 24 documents, and I told him I had it at the house, so he put me in
13:33:41 25 the jailhouse there. 2010, my son was arrested, sent to the

13:33:49 1 penitentiary for child dereliction of duties on child support.

13:33:57 2 THE COURT: And did you go visit him while he's there?

13:34:00 3 THE JUROR: Yes, sir. I went down.

13:34:01 4 THE COURT: Okay. Yes, ma'am.

13:34:05 5 THE JUROR: My younger son was in jail about 20 years

13:34:09 6 ago.

13:34:11 7 THE COURT: All right. Next row.

13:34:14 8 THE JUROR: No. 62. My brother was incarcerated for

13:34:19 9 several years, but he's been out since 2008.

13:34:22 10 THE COURT: When he was incarcerated, did you go visit

13:34:25 11 him?

13:34:26 12 THE JUROR: No.

13:34:26 13 THE COURT: All right. Thank you.

13:34:30 14 THE JUROR: I just want to clarify. Are you asking

13:34:33 15 just about the defendant or are you asking -- I was an employee,

13:34:38 16 so I kind of went to jail a lot.

13:34:41 17 THE COURT: You had a nice boss, huh?

13:34:45 18 THE JUROR: No. I work for Williamson County.

13:34:47 19 THE COURT: Now that you're up, go ahead and tell us.

13:34:49 20 THE JUROR: I work for the Williamson County Sheriff's

13:34:52 21 Office.

13:34:52 22 THE COURT: Oh, okay. That was your office.

13:34:56 23 THE JUROR: Right. That's what I'm asking is whether

13:34:58 24 or not --

13:34:58 25 THE COURT: No, no. You don't have to do that yet.

13:35:02 1 THE JUROR: No. 72. I got caught speeding in West
13:35:05 2 Texas and got thrown in jail for the night. That was about 40
13:35:09 3 years ago.

13:35:10 4 THE COURT: Okay. And the nice thing is when you get a
13:35:15 5 little older, you won't remember it. Okay. Next.

13:35:20 6 THE JUROR: In 1999, my twin brother was charged with a
13:35:23 7 DUI. It was later turned into obstructing traffic. About six
13:35:30 8 months later, because it was being sorted out, it wasn't being
13:35:35 9 tried, he was driving home and had about three beers and his
13:35:39 10 taillight was out. And I got a DUI about 2000. Fifteen hours in
13:35:45 11 jail.

13:35:46 12 THE COURT: That's a good twin story.

13:35:49 13 THE JUROR: Yeah.

13:35:49 14 THE COURT: Okay. Anybody else on this side? Yes,
13:35:52 15 ma'am.

13:35:52 16 THE JUROR: Fifty-seven. Do ex-husbands count?

13:35:59 17 THE COURT: I've been asked that question lots of
13:36:01 18 times, and I've never answered it yet.

13:36:06 19 THE JUROR: We were still -- I was separated from him
13:36:10 20 at the time and we were still legally married. This was back in
13:36:13 21 the early '90s.

13:36:15 22 THE COURT: What I'm interested in, did you go down to
13:36:17 23 the jail and visit him?

13:36:19 24 THE JUROR: No.

13:36:19 25 THE COURT: Okay. Yes, ma'am.

13:36:23 1 THE JUROR: About ten years ago, I picked up my sister
13:36:28 2 for -- she was in jail for public intoxication, and I did go
13:36:32 3 visit her and her husband for not paying parking tickets.

13:36:37 4 THE COURT: Okay.

13:36:41 5 THE JUROR: No. 49. My brother, rape, two years ago.
13:36:45 6 He's serving that. I did go visit him.

13:36:48 7 THE COURT: Okay.

13:36:49 8 THE JUROR: My daughter was a minor, intoxication.

13:36:56 9 THE JUROR: 239. Four brothers, about four years ago,
13:37:00 10 DWI.

13:37:04 11 THE JUROR: 129. Fifteen years ago, DWI arrest.

13:37:08 12 THE COURT: All right.

13:37:11 13 THE JUROR: Can I approach the bench?

13:37:12 14 THE COURT: You may.

13:37:24 15 (At the bench, on the record.)

13:37:34 16 THE COURT: Yes, sir.

13:37:35 17 THE JUROR: I was arrested at 18 and charged with
13:37:38 18 burglary of a habitat and a deferred adjudication, and was told
13:37:42 19 it wasn't a conviction because I went through my probation and
13:37:47 20 all that without any trouble.

13:37:49 21 THE COURT: And it was dismissed?

13:37:51 22 THE JUROR: Yeah. They -- I don't have it on my record
13:37:52 23 anymore, but I was technically arrested and fingerprinted and
13:37:55 24 spent the night.

13:37:58 25 THE COURT: Thank you. What number are you, sir? I

13:38:11 1 need that for the record.

13:38:12 2 THE JUROR: 3A.

13:38:16 3 THE COURT: Thank you.

13:38:22 4 THE JUROR: 260. About 25 years ago, my -- one of my
13:38:26 5 brothers had a DUI, and about ten years ago, my oldest daughter
13:38:31 6 did.

13:38:31 7 THE COURT: All right. Over here on the right side, my
13:38:36 8 right side. Y'all are both eager, but you got up first.

13:38:42 9 THE JUROR: May I approach the bench?

13:38:43 10 THE COURT: Yes. Y'all hear that funny sound? That's
13:38:59 11 white noise, or that's what they tell me. I don't know how they
13:39:05 12 know it's white.

13:39:07 13 (At the bench, on the record.)

13:39:10 14 THE JUROR: Okay. Back in the late '70s, my father was
13:39:14 15 convicted of accessory to murder.

13:39:17 16 THE COURT: And did you go visit him while he was
13:39:18 17 incarcerated?

13:39:18 18 THE JUROR: I did a few times.

13:39:40 19 THE COURT: Okay.

13:39:40 20 THE JUROR: No. 134. About five years ago, my brother
13:39:43 21 was in jail briefly for theft, and I do not see him in jail.

13:39:49 22 THE COURT: All right. Yes, sir.

13:39:50 23 THE JUROR: No. 6. I arrested about 15 years ago with
13:39:54 24 PI.

13:39:55 25 THE COURT: Thank you. Anybody else on that side? All

13:39:58 1 right. Now, have I gotten everybody?

13:40:01 2 All right. Now I'm going to flip the question around.

13:40:05 3 This time, I want to know how many of you or members of your

13:40:12 4 immediate family have been the victims of a substantial crime?

13:40:20 5 I'm not talking about driving tickets, or that type of thing,

13:40:27 6 traffic things, but burglaries and any kind of significant crime

13:40:34 7 that you've had the experience of you or some member of your

13:40:36 8 family has had to go through. So we'll start with the front row.

13:40:42 9 Yes, ma'am.

13:40:43 10 THE JUROR: No. 80. Could I approach?

13:40:45 11 THE COURT: Sure.

13:40:55 12 (At the bench, on the record.)

13:41:09 13 THE JUROR: Okay. I guess it was back in 2001, my mom,

13:41:13 14 this guy like conned his way into her apartment and tried to rape

13:41:16 15 her. And the prosecutor like pled with this attorney, and it was

13:41:22 16 like attempted burglary with intent to do something. I forget.

13:41:27 17 But anyway, he's going to get out in November. But every year,

13:41:30 18 it's like I've got to write letters to the parole board, and call

13:41:33 19 and find out. Trauma, trauma, and it's like now, I'm like, is

13:41:36 20 there any way I could get a protective order from this guy? You

13:41:39 21 know, it's a nightmare.

13:41:42 22 THE COURT: Okay. With that wonderful experience you

13:41:52 23 had, are you able to put it aside and just make up your mind

13:41:54 24 based on the evidence? Or is it something that will influence

13:41:56 25 you?

13:41:56 1 THE JUROR: I'd like to say I could, but crime and
13:42:06 2 money, it's like did anybody get hurt. But I'm sure a lot of
13:42:09 3 people got hurt in the drug thing. I don't know. It probably
13:42:13 4 would color my opinion.

13:42:14 5 THE COURT: You don't have to talk to anybody else.

13:42:18 6 THE JUROR: Okay.

13:42:44 7 THE COURT: Okay. I'm going to let you sit on that
13:42:47 8 bench over there. Thank you.

13:42:50 9 All right. Anybody else on the front row? Anybody
13:42:55 10 else on the second row? Yes, ma'am.

13:42:58 11 MR. MAYR: Judge, I think Juror No. 2.

13:43:00 12 THE COURT: Oh, I'm having trouble. You're on the
13:43:02 13 corner here.

13:43:03 14 THE JUROR: Yeah. I need to approach the bench again,
13:43:06 15 sir.

13:43:06 16 THE COURT: Come right on up.

13:43:12 17 (At the bench, on the record.)

13:43:22 18 THE COURT: 256.

13:43:23 19 THE JUROR: Yeah. 256. Yeah. It was my son and it
13:43:26 20 was a drug case, and he was sentenced to 10 years, and it was
13:43:32 21 about three years ago, and since, he's been released.

13:43:36 22 THE COURT: Well, you've told us that, but was this
13:43:40 23 something that had anybody done any criminal act against you?

13:43:42 24 THE JUROR: Against me, oh, no.

13:43:44 25 THE COURT: Not you or your family or anything.

13:43:47 1 THE JUROR: Not me. No, sir. Okay. All right.

13:44:03 2 MS. DEMINGS: Juror No. 80 is replaced by Juror No. 3.

13:44:11 3 THE COURT: That's all right, ma'am. Just have a seat.

13:44:14 4 We don't need to fill the seats. We'll just count that. Okay.

13:44:23 5 You stood up three times. Go ahead.

13:44:26 6 THE JUROR: No. 193. Can I approach?

13:44:28 7 THE COURT: Yes, ma'am.

13:44:30 8 (At the bench, on the record.)

13:44:47 9 THE JUROR: Okay. My husband.

13:44:49 10 THE COURT: You're No. 193.

13:44:50 11 THE JUROR: Yes. 193. My husband was sexually
13:44:52 12 assaulted as a child, and just two years ago, we had to go back
13:44:55 13 to court to make sure that guy stayed on the sexual offender
13:44:58 14 list.

13:45:00 15 THE COURT: And that happened before you even knew your
13:45:04 16 husband?

13:45:04 17 THE JUROR: Oh, yeah. He was a little boy.

13:45:06 18 THE COURT: Okay. That --

13:45:31 19 MR. WOMACK: Of course, we're going to have followup.

13:45:34 20 MR. MAYR: Juror No. 8 had an experience with her
13:45:36 21 mother having been raped, if that would influence her. And I
13:45:38 22 think that's what Mr. DeGeurin's asking is if you're going to ask
13:45:41 23 followup questions to that extent with each one of these
13:45:44 24 individuals.

13:45:44 25 THE COURT: Not with each one. Particularly not the

13:45:47 1 one sexually assaulted when he was three or four years old.
13:45:53 2 We're not going to do that. I'm not going to pry. But anytime I
13:45:59 3 see that experience would influence any person's judgment, I will
13:46:09 4 follow it up. But feel free to remind me.

13:46:09 5 MR. WOMACK: That was my --

13:46:13 6 MR. DEGEURIN: I knew you thought that. I knew that
13:46:15 7 would be on the edge of whether followup was necessary, but I
13:46:16 8 didn't know whether it was going to be a policy or yes, you're
13:46:20 9 going to follow up.

13:46:20 10 THE COURT: And you're welcome to suggest to me. It's
13:46:26 11 not often. But I'm going to follow up on anybody I think can be
13:46:32 12 influenced by some past experience.

13:46:33 13 MR. WOMACK: Okay.

13:46:34 14 THE COURT: Sometimes it's general, but most of the
13:46:36 15 time it's just individual.

13:46:47 16 Yes, ma'am.

13:46:49 17 THE JUROR: No. 119. My sister was a victim of assault
13:46:55 18 in a local department store. I believe it was in 2011, the
13:47:02 19 perpetrator was charged, and I believe it resulted in further
13:47:06 20 incarceration.

13:47:07 21 THE COURT: Okay. Now, were you involved in that other
13:47:10 22 than supporting your sister?

13:47:12 23 THE JUROR: Just only to.

13:47:17 24 THE COURT: Okay. Would that influence you in any way,
13:47:19 25 shape or form if you were to be a juror in this case?

13:47:21 1 THE JUROR: No, sir. Okay.

13:47:26 2 THE JUROR: Seems so true, but since you said burglary,
13:47:29 3 my family's apartment was burglarized one Christmas when I was
13:47:33 4 six years old. So we caught them in the act.

13:47:36 5 THE COURT: Have you gotten over that?

13:47:38 6 THE JUROR: Oh, yeah.

13:47:40 7 THE COURT: Anybody else on that row? Yes, ma'am.

13:47:42 8 THE JUROR: Can I approach?

13:47:44 9 THE COURT: Yes, ma'am.

13:47:46 10 (At the bench, on the record.)

13:48:04 11 THE JUROR: I was --

13:48:05 12 THE COURT: 246.

13:48:06 13 THE JUROR: Yes. 246. Five years ago, I was raped.

13:48:11 14 THE COURT: Now, that experience was not pleasant.

13:48:13 15 THE JUROR: No.

13:48:14 16 THE COURT: Do you think it would influence you in any
13:48:17 17 way, shape or form if you were to be a juror in this case?

13:48:20 18 THE JUROR: Of course that means everything. What do
13:48:23 19 you mean?

13:48:24 20 THE COURT: Well, you're the only one that can answer
13:48:27 21 that. This is a criminal case. But that was a very meaningful
13:48:34 22 experience that you had. Do you think it's best not to
13:48:39 23 participate in this case?

13:48:41 24 THE JUROR: I don't think it has anything to do with
13:48:43 25 this. I mean.

13:48:45 1 THE COURT: Well, let me explain because this is the
13:48:49 2 \$64 question. Can you represent to all these people that you
13:48:53 3 could listen to the evidence and make the decision only on the
13:48:57 4 evidence that you hear in this case?

13:48:59 5 THE JUROR: Yes.

13:49:01 6 THE COURT: Okay. You can return to your seat, ma'am.

13:49:18 7 THE JUROR: That's okay.

13:49:30 8 THE COURT: Who's next? All right. How about the
13:49:32 9 third row? Yes, ma'am.

13:49:34 10 THE JUROR: My sister was a victim of assault about a
13:49:37 11 year and a half ago. And I witnessed a theft at my summer job
13:49:41 12 like five years ago.

13:49:42 13 THE COURT: Would that experience in any way influence
13:49:45 14 you if you were to be a juror in this case?

13:49:47 15 THE JUROR: No, sir.

13:49:48 16 THE COURT: All right. Anybody else on that? Yes,
13:49:51 17 sir.

13:49:51 18 THE JUROR: Juror 97. I had a house robbed and a car
13:49:55 19 stolen.

13:49:55 20 THE COURT: About how long ago?

13:49:56 21 THE JUROR: Latest one is 20 years.

13:50:01 22 THE COURT: All right. Thank you. Anybody else on
13:50:02 23 that row? Anybody the last row up here? How about the first row
13:50:09 24 down there? Yes, sir.

13:50:12 25 THE JUROR: No. 47. We had our house robbed in '97.

13:50:15 1 And then, I had an aunt that was murdered in San Antonio and it's
13:50:21 2 a cold case.

13:50:21 3 THE COURT: All right. The experience that you had
13:50:24 4 with your family members, you say it's still a cold case?

13:50:29 5 THE JUROR: Yes, sir.

13:50:30 6 THE COURT: Would that influence you if you were to be
13:50:33 7 a juror in this case in any way?

13:50:36 8 THE JUROR: No, sir.

13:50:36 9 THE COURT: All right. Thank you. Yes, ma'am.

13:50:37 10 THE JUROR: 121A. I've had a house broken into and a
13:50:45 11 car broken into.

13:50:47 12 THE COURT: Thank you. Anybody else on that row? Yes,
13:50:51 13 sir.

13:50:51 14 THE JUROR: May I approach?

13:50:52 15 THE COURT: You may.

13:51:01 16 (At the bench, on the record.)

13:51:17 17 THE COURT: You're No. 66.

13:51:19 18 THE JUROR: Yes, sir. My wife's father molested her,
13:51:21 19 and he went to prison for it. And also, my kids were molested by
13:51:29 20 their stepfather. And my parent's home was burglarized recently.

13:51:34 21 THE COURT: All right. Those things, as significant as
13:51:41 22 they were, do you think would influence you in any way if you
13:51:43 23 were to be a juror in this case?

13:51:44 24 THE JUROR: No, sir.

13:51:44 25 THE COURT: You could listen to the evidence and make

13:51:46 1 up your mind and not even refer to those instances and set aside
13:51:50 2 any biases that you have?

13:51:52 3 THE JUROR: Yes, sir.

13:51:53 4 THE COURT: Okay. Thanks.

13:51:54 5 THE JUROR: All right. Thanks.

13:52:03 6 THE COURT: Anybody else on the front row? How about
13:52:08 7 the second row? Yes. I see a hand. Okay.

13:52:14 8 THE JUROR: My office was burglarized about a year ago.
13:52:18 9 And two of my children were victims of hit-and-run accidents here
13:52:22 10 in the last three years.

13:52:23 11 THE COURT: All right. If you were to be a juror in
13:52:26 12 this case, would those experiences influence you in any way?

13:52:29 13 THE JUROR: No.

13:52:30 14 THE COURT: All right. Thank you. Yes.

13:52:32 15 THE JUROR: Juror 269. And the mid-'90s, one of my
13:52:37 16 daughters had her car stolen in front of our house and totalled.

13:52:41 17 THE COURT: All right. Thank you. Yes, ma'am.

13:52:45 18 THE JUROR: 302. Twenty-six years ago, my sister was
13:52:48 19 working and she was held at knifepoint for robbery.

13:52:52 20 THE COURT: Would that influence you if you're to be a
13:52:54 21 juror in this case?

13:52:55 22 THE JUROR: No.

13:52:55 23 THE COURT: All right. Anybody else on that row? How
13:52:59 24 about the next row? Yes.

13:53:03 25 THE JUROR: No. 106. About 40 years ago, I was a

13:53:09 1 victim of assault walking down the street in Corpus Christi. The
13:53:12 2 perpetrator was not found. And about 30 years ago, I had a
13:53:15 3 cousin who was murdered. The perpetrator was not found.

13:53:18 4 THE COURT: Now, those two significant things that have
13:53:20 5 happened to you, I need to ask you the same question. If you
13:53:24 6 were to be a juror in this case, would those experiences
13:53:29 7 influence you in any way?

13:53:31 8 THE JUROR: No.

13:53:31 9 THE COURT: Okay. Thank you.

13:53:34 10 THE JUROR: Twenty-one. I had a nephew who was one of
13:53:40 11 five people killed by a hit-and-run drunk driver.

13:53:45 12 THE COURT: Okay. Would that experience influence you
13:53:49 13 if you were to be a juror in this case?

13:53:50 14 THE JUROR: No, sir.

13:53:51 15 THE COURT: All right. Anybody else on that row? Yes,
13:53:54 16 ma'am.

13:53:55 17 THE JUROR: Juror No. 27. I had a physical assault in
13:54:00 18 the '70s, and house broken into about five years ago.

13:54:07 19 THE COURT: Those experiences, as unpleasant as they
13:54:09 20 are, if you were to be selected as a juror in this case, would
13:54:14 21 they influence you in any way?

13:54:15 22 THE JUROR: No, sir.

13:54:16 23 THE COURT: All right. Thank you. All right. The
13:54:19 24 next row, the final row back there, anybody needs to respond to
13:54:22 25 that question?

13:54:30 1 THE JUROR: Fifty-seven. It was the early to mid-'90s,
13:54:35 2 household burglary and an assault.

13:54:40 3 THE COURT: Thank you, ma'am. Anybody on this side?
13:54:45 4 Yes, ma'am.

13:54:46 5 THE JUROR: Home burglary and then, several job site
13:54:50 6 burglaries.

13:54:51 7 THE COURT: About how long ago was the burglary?

13:54:52 8 THE JUROR: Home burglary was about eight and the
13:54:56 9 worksite burglary was about six months ago.

13:54:58 10 THE COURT: All right. Thank you. Anybody else need
13:55:01 11 to respond? Yes.

13:55:01 12 THE JUROR: 154A. Home burglary about three years ago.

13:55:05 13 THE COURT: Okay. Anybody else? All right. We'll
13:55:21 14 start with Juror No. 140 and one -- just keep your seat. I want
13:55:28 15 you to stand up and tell everybody a little bit about yourself.
13:55:31 16 Let me give you a preview.

13:55:38 17 My name is Sam Sparks. My number is 1,746.2. I was
13:55:48 18 born here in Austin, Texas in 1939. All of my education was at
13:55:53 19 the university. I'm married. I have six children with my wife.
13:55:58 20 We have seven grandchildren. My wife was a teacher for 24 years
13:56:05 21 and won't let me come home, so I'm still active here. That kind
13:56:12 22 of thing just so that we can know where you are.

13:56:20 23 That's right. No names. Just a number. That's why
13:56:22 24 I'm said I'm -- can any of you remember my number? If you'll
13:56:30 25 introduce yourself as a number and tell us a little bit about

13:56:32 1 you, your wife and your employment.

13:56:34 2 THE JUROR: All right. Well, I'm 140. I was born in
13:56:39 3 Denver. I lived most of my life in Hawaii. However, jobs became
13:56:44 4 difficult there, and I had to move to the mainland. And my
13:56:48 5 employer said I could live in one of several places, including
13:56:52 6 Dallas. I said I would live in Dallas, but I moved to
13:56:55 7 Fredericksburg, instead, and I've been there ever since. So I
13:56:59 8 have eight kids. I work in the healthcare industry.

13:57:05 9 THE COURT: All right. Thank you. And if you'll just
13:57:09 10 go right down the row. Yes, ma'am.

13:57:11 11 THE JUROR: I'm Juror 181. I'm native Texan. My
13:57:20 12 husband and I met in college. We've been married 28 years. We
13:57:24 13 have one child. He's 20 at U.T. I've gone from elementary
13:57:33 14 education to corporate world to nonprofit, and now working for
13:57:36 15 the city. That's about it.

13:57:41 16 THE COURT: What do you do for the city?

13:57:43 17 THE JUROR: I'm the executive assistant for medical
13:57:46 18 directors for Austin Travis County EMS.

13:57:49 19 THE COURT: You've told us that. I'm sorry. And how
13:57:52 20 about your husband? What does he do?

13:57:53 21 THE JUROR: He works for the IRS as a tax --

13:57:55 22 THE COURT: Okay. You've told us that, too.

13:57:57 23 THE JUROR: That's all right.

13:57:58 24 THE COURT: I'm old. I'm not young like y'all.

13:58:01 25 THE JUROR: I'm Juror 135. Lived in Pennsylvania,

13:58:07 1 Florida, Kansas and here. I'm married 30 years, two children.
13:58:14 2 I'm retired dental hygienist due to back injuries. And now I
13:58:19 3 just take care of babies when they're sick and can't go to their
13:58:22 4 daycares and stuff.

13:58:26 5 THE JUROR: 272. I'm divorced. No children. I lived
13:58:32 6 in Texas my whole life. I work in customer service field, data
13:58:38 7 entry. So not much.

13:58:41 8 THE COURT: It's all right. You did fine.

13:58:44 9 THE JUROR: I've got to look again, 282. I'm like you,
13:58:49 10 I'm getting old. I was born in 1944, after the war or right
13:58:54 11 during the war. But anyway, I spent time in the military for a
13:59:00 12 while and then, I got out, and I spent 30-something years with --
13:59:07 13 working for cities, assistant city manager for a couple of them
13:59:13 14 in enforcement, building inspector for the last. Retired in
13:59:19 15 2005. I'm married, been married nearly 45 years. Got -- I had
13:59:24 16 three kids and two of my kids are deceased.

13:59:28 17 THE COURT: All right. Thank you, sir.

13:59:31 18 THE JUROR: I'm No. 15. I was born and raised in
13:59:37 19 Fredericksburg. I came to Austin in '68 to go to U.T., and I've
13:59:42 20 been here ever since. I'm divorced. I have no kids and I'm
13:59:48 21 retired.

13:59:49 22 THE COURT: What did you do before you retired?

13:59:51 23 THE JUROR: I worked for the city of Austin Health
13:59:54 24 Department.

13:59:54 25 THE COURT: Thank you.

13:59:55 1 THE JUROR: I'm 192. I grew up in Indiana. I met my
14:00:00 2 wife at -- in college in Nashville, Tennessee, and we moved down
14:00:04 3 here 15 years ago, and been married for 15 years. We've got
14:00:07 4 three children. My wife is a stay-at-home mom. She was a
14:00:11 5 teacher before that. I work at software development.

14:00:16 6 THE COURT: Thank you.

14:00:17 7 THE JUROR: I'm 200. A Dallas native, an English major
14:00:24 8 from SMU, and did most of my -- I'm single, travel a lot, and
14:00:30 9 early retired from Farm Credit System and did administrative --
14:00:38 10 was the director of administrative services for that.

14:00:43 11 THE COURT: Thank you.

14:00:44 12 THE JUROR: 162. Married, 28 years. We have three
14:00:49 13 kids, seven grandsons. Early retirement, federal government.
14:00:56 14 And then, I worked for my husband, who's also recently retired.
14:01:01 15 And what else was I supposed to say?

14:01:05 16 THE COURT: What did your husband do that you worked
14:01:07 17 for him?

14:01:08 18 THE JUROR: President of his own corporation. We did
14:01:10 19 underground utilities, storm and sanitary sewer in Houston, and I
14:01:14 20 did the books for him. And his mother is elderly and in assisted
14:01:23 21 living, and so, I manage all of her books, as well. And I'm
14:01:26 22 retired, Social Security.

14:01:27 23 THE COURT: Thank you, ma'am.

14:01:30 24 THE JUROR: I'm No. 137. And I started out -- I got a
14:01:38 25 degree in secondary education. I lived in Montana, New Mexico

14:01:42 1 and here all my life. And I figured out I didn't really like
14:01:46 2 teaching that much, so I went to a community college, picked up
14:01:51 3 an electronic technology training, and I went to work as an
14:01:55 4 electronic technician in Albuquerque. And then, later on, I
14:01:58 5 started going to University of New Mexico, and I got a mechanical
14:02:00 6 engineering degree and I worked at mechanical engineering --
14:02:05 7 well, another employer here in Austin and then, one in Taylor.
14:02:08 8 And I'm retired now and I'm a gadgeteer, and I have five rescue
14:02:13 9 dogs and one rescue cat.

14:02:16 10 THE JUROR: I'm Juror 340. I was born in Indiana,
14:02:20 11 lived there through college, moved to Phoenix for a year, then
14:02:23 12 lived in Austin since then, except for four years in France. I
14:02:27 13 am an engineer at a semiconductor facility.

14:02:30 14 THE COURT: All right. Thank you, sir.

14:02:31 15 THE JUROR: My name is 256. And I was born and raised
14:02:38 16 in Austin, Texas, went to Stephen F. Austin High School, went to
14:02:42 17 Texas Southern University. I've been married three times. I
14:02:45 18 have seven kids, and nine grandkids, and two great grandkids.
14:02:51 19 And employed at the University of Texas, which I've been there
14:02:54 20 for 26 years. And I'll be retiring at the end of this year.

14:02:58 21 THE COURT: What did you do -- what are you doing at
14:03:00 22 the university?

14:03:01 23 THE JUROR: I'm a plant mechanic, making chiller --
14:03:07 24 water in a chiller plant.

14:03:08 25 THE COURT: Thank you. No. 189.

14:03:13 1 THE JUROR: Juror 189. Born here in Central Texas
14:03:28 2 1948, what can I say? I'm married, 40 years in September. I
14:03:35 3 have two children. I have a 37-year-old daughter, three
14:03:39 4 granddaughters. My son is 29. He's a police officer in San
14:03:46 5 Antonio past eight years. I'm retired, work for the Public Works
14:03:56 6 Department. And also, I had to stop working. I'm a school bus
14:04:02 7 driver but got injury to my shoulder, so I'm not working right
14:04:05 8 now.

14:04:05 9 THE COURT: All right, sir. Thank you. Next.

14:04:09 10 THE JUROR: Hi, Juror 82. Born and raised in Illinois.
14:04:13 11 Currently, I'm working for Williamson County Health District as
14:04:18 12 an RN. We relocated here with my husband back in 2007, as we
14:04:26 13 wanted a career change. I have two children and I've been
14:04:29 14 married 19 years.

14:04:30 15 THE COURT: Thank you, ma'am.

14:04:32 16 THE JUROR: I'm Juror 127. Yes. I was born in
14:04:40 17 Illinois, but have been in Texas for as long as I can remember.
14:04:44 18 Went to school at A & M with a Bachelor's Degree in Science. Met
14:04:49 19 my husband at A & M. And we have two children.

14:04:51 20 THE COURT: Thank you.

14:04:53 21 THE JUROR: Juror 193, native Texan, married, no kids.
14:05:00 22 That's it.

14:05:05 23 THE JUROR: Juror 119. I'm married, 32 years. I'm a
14:05:11 24 mother. I'm a step-grandmother. And I'm a native Texan,
14:05:20 25 Austinite. And that's about it.

14:05:21 1 THE COURT: Time out. What in the world was that?

14:05:28 2 THE JUROR: Juror No. 118. I grew up in Chicago. I

14:05:31 3 was there for probably 35 years, and then, I went to Indianapolis

14:05:37 4 for ten and then, I came to Austin. So I've been lost about

14:05:42 5 eight years. I have four boys, four sons that are all grown.

14:05:47 6 And my husband sells computer chips. And I'm a financial

14:05:51 7 planner.

14:05:51 8 THE COURT: Thank you.

14:05:53 9 THE JUROR: Juror 172. I was born and raised in

14:05:59 10 Nashville, Tennessee. Moved to Texas in '80, go to school here

14:06:06 11 at Southwest. I finished here, went out to California, went to

14:06:11 12 grad school. And I'm retired from -- self-employed.

14:06:20 13 THE COURT: Okay.

14:06:22 14 THE JUROR: Juror 246. I was born in Hawaii. My dad

14:06:28 15 was in the Navy. Grew up in upstate New York, moved to Texas in

14:06:33 16 '95. I work as a nanny, two little girls.

14:06:38 17 THE COURT: Okay.

14:06:41 18 THE JUROR: Juror 318. Originally born in Houston.

14:06:47 19 I'm married, 33 years. Two children, six grandchildren. And

14:06:54 20 presently employed in the logistics security business. Also a

14:06:58 21 coach, track and field. That's about it.

14:07:01 22 THE COURT: Okay.

14:07:03 23 THE JUROR: Juror 326. I was born in Houston, raised

14:07:09 24 in Austin. I did ten years in the Navy, traveling all over the

14:07:13 25 world. I was a single mother. I lived in New Mexico. Worked

14:07:19 1 for a couple of years. When my grandmother passed away, I
14:07:22 2 switched to AMD. That's what brought me back here to Austin. I
14:07:26 3 met my husband. We're married -- ten years this year is our
14:07:31 4 anniversary. We have a six-year-old and surprise, a
14:07:36 5 three-year-old. My oldest son is 19. He's in the Navy, as well,
14:07:41 6 and he works -- he's still working at Expansion. And I'm the
14:07:47 7 supervisor for basically the Texas Abuse Hotline.

14:07:50 8 THE COURT: All right.

14:07:51 9 THE JUROR: Juror 28. I was born in Texas, but I spent
14:07:55 10 most of my childhood in Oklahoma. I moved to Texas after 20
14:08:01 11 years. I have a beautiful 20-years-old daughter, married to a
14:08:04 12 high school football coach and teacher. That's it.

14:08:07 13 THE COURT: All right.

14:08:08 14 THE JUROR: Juror 213. Born and raised here in Austin.
14:08:12 15 Graduated from Texas A & M. Never married or kids, but I did
14:08:17 16 work in a daycare for eight years. Now I'm a receptionist at the
14:08:21 17 Austin Diagnostic Clinic.

14:08:23 18 THE JUROR: Juror 251. I grew up in Idaho. And my
14:08:30 19 husband and I retired from the Air Force about 13 years ago when
14:08:36 20 we took a job here in Austin and moved here. We have three
14:08:40 21 beautiful girls. All educated beautiful women.

14:08:48 22 THE COURT: Okay. We're going down to 199 now or up to
14:08:51 23 199.

14:08:52 24 THE JUROR: 199. Born in 1950 and raised on a farm in
14:08:57 25 Spring, Texas and went to Sam Houston State, north of Houston.

14:09:05 1 Married in '86. Got two sons or my first wife had -- wife I
14:09:12 2 married had a son and I had a son. We joined families and my son
14:09:16 3 was later killed. And then -- but I still have my stepson, who's
14:09:23 4 at Utah.

14:09:24 5 THE COURT: All right. Thank you.

14:09:27 6 THE JUROR: 74A. I'm originally from Austin. I work
14:09:35 7 for a food company, sales rep and restaurant consultant in the
14:09:45 8 hill country. My wife and I have three sons, four grandkids.
14:09:58 9 And for 23 years, I was a professional dad. We were foster
14:10:04 10 parents. During that time, we had a lot of kids through our
14:10:09 11 house.

14:10:14 12 THE JUROR: Juror 25. Born and raised in Texas.
14:10:18 13 Graduated, chemical engineering degree, and work in healthcare
14:10:25 14 industry.

14:10:26 15 THE JUROR: Juror 78. Born and raised in Houston,
14:10:30 16 Texas. Sam Houston State University, graduated with a degree.
14:10:36 17 Moved to Austin in 1998. Been with the same company for about
14:10:42 18 almost 16 years now as an analyst. I have a little girl, three
14:10:47 19 years old.

14:10:48 20 THE COURT: Okay. Thank you.

14:10:50 21 THE JUROR: Juror 97. Born in Ohio. Divorced. Two
14:10:56 22 sons, four grandkids. My father was a career military. Between
14:11:01 23 his career, my military career and oil field industries, pretty
14:11:05 24 well traveled around the world. Enjoying retirement.

14:11:12 25 THE JUROR: 121. Born in Texas, raised in New Jersey.

14:11:22 1 Ever since grad school at A & M, picked up a couple of degrees
14:11:28 2 and a wife. We lived in Houston. Now we're in Dripping Springs.

14:11:32 3 THE COURT: You went from New Jersey to A & M?

14:11:35 4 THE JUROR: Well, no. Went from New Jersey to Southern
14:11:39 5 and stayed.

14:11:39 6 THE COURT: I figured you had to have a buffer a little
14:11:42 7 bit.

14:11:42 8 THE JUROR: 208. And I met my husband in the first
14:11:45 9 grade. We've lived in Austin for 40 years. One child, two
14:11:49 10 grandchildren and three dogs.

14:11:53 11 THE JUROR: Juror 268. I graduated from Texas A & M.
14:11:58 12 I am a second-grade teacher. I am married to my husband since
14:12:04 13 high school, and he is an accountant here in Austin.

14:12:08 14 THE COURT: Okay.

14:12:09 15 THE JUROR: Juror No. 44A. I grew up in New England,
14:12:12 16 23 years in the Air Force as a Latin American specialist, living
14:12:15 17 in various places here and overseas. After the Air Force, I
14:12:19 18 spent seven years in the telecom sector in academia. I'm now
14:12:23 19 retired since 2009. My wife is a retired teacher.

14:12:26 20 THE COURT: Thank you, sir.

14:12:28 21 THE JUROR: 278. I was born in Taiwan and I came to
14:12:34 22 U.T. Austin in 1975. And I got my master degree in U.T., and now
14:12:40 23 I'm working as a software engineer at IBM. I'm married with two
14:12:48 24 kids. And my husband is retired from IBM.

14:12:54 25 THE COURT: Okay. Thank you, ma'am.

14:12:58 1 THE JUROR: No. 3. I was born in Houston, graduated
14:13:01 2 from University of Texas. I live in Austin and work in human
14:13:05 3 resources.

14:13:06 4 THE JUROR: Been in Austin for over 20 years. All my
14:13:10 5 degrees are from the University of Texas. I'm a high school
14:13:12 6 principal and have two dogs.

14:13:17 7 THE COURT: Thank you, ma'am.

14:13:18 8 THE JUROR: 15A. Born and raised here in Austin and I
14:13:21 9 work for the state.

14:13:22 10 THE COURT: All right. Thank you.

14:13:23 11 THE JUROR: Juror 290. Born in Germany, grew up in
14:13:28 12 Missouri. Twenty-three years in the Air Force, moved here to
14:13:32 13 Texas about twelve years ago. Married 35 years and two adult
14:13:38 14 children and three grandkids.

14:13:41 15 THE JUROR: Juror 52. Born in Seattle, Washington.
14:13:45 16 Spent part of my childhood in Arizona, rest in Texas through
14:13:50 17 various places in Texas. I am an educational specialist at a
14:13:54 18 Regions Service Center. That's about it.

14:13:58 19 THE COURT: Okay. All right. No. 47.

14:14:03 20 THE JUROR: Juror 47. I was born in Texas, studied
14:14:09 21 U.T., 28-year career in aviation. Then I got laid off from it,
14:14:15 22 started a real estate business where I'm in farm and ranch. And
14:14:18 23 I have two kids that want to go to college state.

14:14:24 24 THE COURT: Okay.

14:14:25 25 THE JUROR: Juror No. 121A. I'm married, been married

14:14:32 1 16 years. My husband is a veteran. I work for a local company
14:14:40 2 here.

14:14:44 3 THE JUROR: Juror 205. I'm native Texan. I was raised
14:14:48 4 on a farm. I married far beyond -- divorced way later than I
14:14:53 5 should. I have two adult children. And I've been in the legal
14:14:56 6 field for 30 years as a secretary.

14:15:01 7 THE JUROR: 33A. Born in South Texas, moved here 1990.
14:15:07 8 I got a degree in IT, worked with the Department Health Services.
14:15:12 9 Married. She's been working for Dell as project manager. And I
14:15:15 10 have two boys, two teenagers. I have two horses, two dogs, and
14:15:20 11 the chickens on the way.

14:15:25 12 THE JUROR: No. 85. I'm married. My husband's an
14:15:29 13 engineering worker. We have three kids. And I've gone to church
14:15:34 14 pretty much my whole adult life, 17 years in adult ministry. And
14:15:39 15 that's about it.

14:15:42 16 THE JUROR: I'm Juror No. 4. I was born and grew up in
14:15:46 17 Phoenix, Arizona. I moved here about 18 years ago. I'm a
14:15:49 18 financial director at Dell Computer. And I've been married 29
14:15:53 19 years, and I have three girls.

14:15:56 20 THE JUROR: I'm Juror 182. I was born here in Austin,
14:16:00 21 went to Stephen F. Austin. Married my husband. Went to work for
14:16:06 22 Department of Public Safety in the intelligence field. Retired.
14:16:09 23 I went to work at A & M in the Homeland Defense, and they
14:16:13 24 disbanded. And then, I received my investigative license about
14:16:18 25 five or six years ago and doing that. Plus doing all the

14:16:20 1 traveling, which is really a great way to retire, and a lot of
14:16:27 2 volunteer work at my church.

14:16:28 3 THE COURT: Okay.

14:16:30 4 THE JUROR: Juror 2066. I was born in Houston, moved
14:16:33 5 around about eight years ago. I've been married for 16 years and
14:16:37 6 I have two kids.

14:16:39 7 THE JUROR: No. 67. Born in Louisiana, moved to most
14:16:44 8 of my life in California. And married, divorced and then,
14:16:49 9 remarried. And I have three grown daughters and moved this way
14:16:54 10 about five years ago.

14:16:56 11 THE JUROR: 331. Born in Michigan, been in Austin for
14:17:01 12 the last ten years. Went to the University of Texas. Currently
14:17:03 13 in sales in technology industry. I'm married and no kids.

14:17:09 14 THE JUROR: 131. I'm a native Texan. I'm an
14:17:15 15 accounting manager for an agricultural supply company. I've got
14:17:18 16 an MBA from A & M. And I have one son and four grandsons.
14:17:23 17 That's about it.

14:17:24 18 THE JUROR: I'm 261. I was born in Germany and raised
14:17:29 19 as an Air Force brat. Lived in Texas since the mid-'90s and met
14:17:34 20 my husband at college at Texas State in San Marcos, about ten
14:17:37 21 years ago. We've been married a little bit over a year, and we
14:17:40 22 have two dogs and a cat. And I work for a nonprofit.

14:17:44 23 THE JUROR: I'm 44. And I'm 66, but that's not my
14:17:49 24 number. Spent 20 years in the Air Force doing avionics and
14:17:58 25 criminal counterintelligence work. Got out in '86, came to Texas

14:18:04 1 for the first time, although basic training in '91. Working in
14:18:11 2 information control.

14:18:16 3 THE COURT: Thank you. Go ahead.

14:18:18 4 THE JUROR: Oh, I have five kids, four grandkids.
14:18:22 5 Married 43 years.

14:18:24 6 THE COURT: All right. We'll just hold up, stop. Let
14:18:27 7 me talk with the clerks for a minute.

14:23:09 8 MS. DEMINGS: Juror No. 80 has been replaced by Juror
14:23:12 9 No. 3.

14:24:21 10 THE COURT: Juror No. 278.

14:24:27 11 THE JUROR: Here.

14:24:29 12 COURT SECURITY OFFICER: 278.

14:24:29 13 THE COURT: If you'll come here, please, ma'am.

14:24:45 14 (At the bench, on the record.)

14:24:56 15 THE COURT: On your questionnaire, you indicated that
14:25:01 16 you were not proficient in English, although you've got a Ph.D.

14:25:03 17 THE JUROR: Well, no. I got my master degree.

14:25:07 18 THE COURT: Have you had any difficulty understanding?

14:25:10 19 (Bench microphone not functioning.)

14:25:10 20 THE JUROR: I meant I have but --

14:25:31 21 THE COURT: I'm not concerned about people not
14:25:32 22 understanding you. People never have understood me. But I am
14:25:40 23 asking if you have difficulty understanding the English language.

14:25:43 24 THE JUROR: Well, I'm concerned about that.

14:25:45 25 THE COURT: Okay. All right. You may take your seat.

14:25:51 1 THE JUROR: Okay. Thank you.

14:25:52 2 THE COURT: I don't know of any reason, but anyone want
14:26:03 3 to object to her?

14:26:08 4 MR. WOMACK: We'd challenge her for cause. She has
14:26:18 5 trouble understanding English.

14:26:18 6 MR. DEGEURIN: She said she's had difficulty already.

14:26:20 7 THE COURT: She's not disqualified as a matter of law.
14:26:25 8 We've got plenty of jurors. If y'all want to object to her, I'll
14:26:29 9 take her off as mine. Not yours. 278 will be off.

14:26:36 10 MR. DEGEURIN: Thank you.

14:27:18 11 THE COURT: Members of the jury panel, we have several
14:27:23 12 of you who have family members or past experiences and
14:27:33 13 association with the Internal Revenue Service and the FBI and law
14:27:43 14 enforcement. Now, is there anyone on the panel who feels that a
14:27:47 15 person in law enforcement per se, without any other influence, is
14:27:55 16 a more credible witness than anybody else?

14:28:00 17 And the reason I ask that is the jurors who are going
14:28:05 18 to be selected in this case must individually listen to each
14:28:10 19 individual and make the determination of what weight you want to
14:28:13 20 give that person's testimony. And the fact that somebody is a
14:28:19 21 law enforcement officer, I want to know if anybody would put more
14:28:25 22 credit on that witness just because of that, without even hearing
14:28:32 23 from that law enforcement officer. So that's the question that
14:28:36 24 the parties wish for me to ask and I'm asking.

14:28:39 25 So is there anybody who can't evaluate a law

14:28:44 1 enforcement officer's testimony like you would anybody else's,
14:28:53 2 any what we call fact witnesses? If you feel that a law
14:28:57 3 enforcement officer has more credibility just because of the fact
14:29:02 4 that he or she's in law enforcement, let me see your hand.

14:29:09 5 All right. Now, we have a large number of people here,
14:29:26 6 so this is a tuff question, but I want to know if any of you knew
14:29:33 7 anybody else before today? So let's just talk -- look at the
14:29:42 8 front row. Yes, sir.

14:29:43 9 THE JUROR: Yes. I know the lady 119. We went to
14:29:49 10 school together.

14:29:50 11 THE COURT: Okay. And other than going to school
14:29:54 12 together, do you have any other relationship? Have you ever been
14:29:59 13 in her home, or she been in your home, or children that went to
14:30:02 14 the same schools, or that type of thing?

14:30:04 15 THE JUROR: Well, we been -- while we was in high
14:30:08 16 school.

14:30:08 17 THE COURT: Okay. All right. The real question is,
14:30:12 18 can you make up your mind independently?

14:30:15 19 THE JUROR: Yes.

14:30:16 20 THE COURT: And can you?

14:30:18 21 THE JUROR: Yes.

14:30:18 22 THE COURT: Okay. Anybody else? Yes.

14:30:22 23 THE JUROR: Juror No. 6, we're coworkers.

14:30:28 24 THE COURT: All right. Either of you in any type of
14:30:32 25 supervisory capacity over the other?

14:30:35 1 THE JUROR: No.

14:30:36 2 THE COURT: Can you make up your mind, even if you have

14:30:39 3 to disagree with him?

14:30:40 4 THE JUROR: Absolutely.

14:30:44 5 THE COURT: Speaking of absolutely, you're No. 78.

14:30:49 6 Can you make up your mind if you disagreed with him?

14:30:52 7 THE JUROR: Yes, sir.

14:30:52 8 THE COURT: And your number is?

14:30:54 9 THE JUROR: Six.

14:30:54 10 THE COURT: Six. Okay. Yes, ma'am.

14:30:57 11 THE JUROR: I work with 205.

14:30:59 12 THE COURT: Okay. And do either one of your supervise

14:31:03 13 each other?

14:31:03 14 THE JUROR: No, sir.

14:31:04 15 THE COURT: And can you make up your mind independently

14:31:10 16 over her opinion?

14:31:11 17 THE JUROR: Yes, sir.

14:31:11 18 THE COURT: Okay. Then I need to ask 205 the same

14:31:14 19 thing.

14:31:14 20 THE JUROR: Yes. I could work pretty independent.

14:31:19 21 THE COURT: I don't have any doubt you can. Yes,

14:31:21 22 ma'am.

14:31:24 23 THE JUROR: No. 119. I formerly worked with No. 200.

14:31:31 24 So I know No. 200.

14:31:33 25 THE COURT: Okay.

14:31:33 1 THE JUROR: About 20 years ago.

14:31:35 2 THE JUROR: Well, no. Maybe within the past ten years.

14:31:39 3 THE JUROR: Maybe ten. Okay.

14:31:41 4 THE COURT: Let me ask you this, ma'am: Do you two

14:31:45 5 think that you could make up your mind independently?

14:31:48 6 THE JUROR: Yeah.

14:31:49 7 THE JUROR: Sure.

14:31:50 8 THE COURT: Yes, ma'am.

14:31:51 9 THE JUROR: I'm Juror 268. And without saying her

14:31:56 10 name, the second row on the left side.

14:32:02 11 THE COURT: Okay. And what is --

14:32:03 12 THE JUROR: She was my fifth-grade teacher.

14:32:13 13 THE COURT: Let me think about how to ask. Can you

14:32:18 14 make up your mind independently of your fifth-grade teacher?

14:32:21 15 THE JUROR: Yes, sir.

14:32:23 16 THE COURT: How about you?

14:32:25 17 THE JUROR: Yes, sir.

14:32:25 18 THE COURT: All right. Anybody else? Anybody else?

14:32:30 19 COURT SECURITY OFFICER: Back row, your Honor.

14:32:32 20 THE JUROR: No. 15A. I know the gentleman who's

14:32:35 21 outside the courtroom who knows one of the gentleman here.

14:32:40 22 THE COURT: Okay. I'm not sure I understand what

14:32:42 23 you're telling me.

14:32:42 24 THE JUROR: There's a gentleman outside the courtroom

14:32:45 25 that I know who knows one of the defendants here today.

14:32:47 1 THE COURT: So you know somebody that's down here as a
14:32:50 2 spectator?

14:32:51 3 THE JUROR: I'm not sure.

14:32:54 4 THE COURT: Okay. Well, we need to find that out. Do
14:32:58 5 you know a name?

14:32:59 6 THE JUROR: Yes.

14:33:00 7 THE COURT: What's the name?

14:33:00 8 THE JUROR: Graham. Charles Graham.

14:33:06 9 THE COURT: Okay. That's a name that hadn't been named
14:33:11 10 yet, but maybe going to be named in just a minute.

14:33:15 11 THE JUROR: Okay.

14:33:15 12 THE COURT: So have a seat. You're juror number?

14:33:18 13 THE JUROR: 15A.

14:33:20 14 THE COURT: 15A. Okay.

14:33:24 15 All right. One of the last questions that I ask you is
14:33:27 16 I'll have the lawyers read their potential witness list.

14:33:33 17 MR. GARDNER: Excuse me, your Honor, we have one more
14:33:35 18 in the back here.

14:33:36 19 THE COURT: Okay.

14:33:37 20 THE JUROR: This is hardly worth mentioning, but I
14:33:39 21 think while -- I'm 21. While one of your jurors was describing
14:33:45 22 themselves, I think I realize that I bought a car from she and
14:33:49 23 her husband a couple of years ago. I don't know her, but that's
14:33:55 24 the extent of it.

14:33:56 25 THE COURT: Well, did it work out?

14:33:59 1 THE JUROR: It's running well.

14:34:00 2 THE COURT: Okay. All right. Well, Mr. Finn, we'll
14:34:05 3 start off with you. If you'll address the jury about witnesses
14:34:09 4 that you may call. Again, these are names that people that may
14:34:14 5 be called, but doesn't mean they'll be called.

14:34:17 6 MR. FINN: Thank you, your Honor. May it please the
14:34:18 7 Court. Judge, you indicated you attended the university.

14:34:22 8 THE COURT: The university?

14:34:23 9 MR. FINN: Of?

14:34:25 10 THE COURT: That is what I referred to.

14:34:28 11 MR. FINN: We've got some Aggies here, your Honor. I
14:34:30 12 just want to be clear. Never mind.

14:34:33 13 THE COURT: I have two Aggies. TCU wife, TCU daughter
14:34:41 14 and Texas Tech and two Texas.

14:34:46 15 MR. FINN: So we've got them pretty well covered then.
14:34:49 16 Okay. I'll move on.

14:34:50 17 THE COURT: Don't worry about it.

14:34:51 18 MR. FINN: Thank you. All right. Your Honor, members
14:34:53 19 of the jury, my name -- or the prospective jury, my name is David
14:34:56 20 Finn. I represent Jose Trevino-Morales, along with Ms. Christie
14:35:00 21 Williams.

14:35:01 22 I'm going to read you a list of the witnesses. And,
14:35:05 23 Judge, did you want any sort of description or just the name?

14:35:08 24 THE COURT: Well, just the name. And if anybody thinks
14:35:10 25 that they might know them, then you could give a description.

14:35:14 1 MR. FINN: Starting with Doctor of Veterinary Medicine
14:35:17 2 Dr. Charles Graham, Elizabeth Sanders.

14:35:23 3 THE COURT: Okay. Now, hold on. We have -- this is
14:35:26 4 Dr. Graham that you know?

14:35:27 5 THE JUROR: Yes.

14:35:28 6 THE COURT: Okay. Go ahead.

14:35:32 7 THE JUROR: One here, too. I know him, too. 321.

14:35:37 8 THE COURT: Give me that number again. 321?

14:35:41 9 THE JUROR: 321. He lives in Elgin.

14:35:45 10 THE COURT: Okay. And your number?

14:35:49 11 THE JUROR: 15A.

14:35:57 12 MR. FINN: His son David Graham, Dr. Graham's grandson,
14:36:05 13 I believe the government read his name earlier, Tyler Graham.
14:36:11 14 Elizabeth Sanders works at a company -- waste company in Oklahoma
14:36:16 15 City, Christine Hudson owns Track Magazine, a horse magazine,
14:36:23 16 Coronado Artiega. And, Judge, I apologize, my pronunciation of
14:36:28 17 some of these names is not very good. Director of Veterinary
14:36:31 18 Medicine Justin Voge, V-O-G-E, Stella Escobedo, Doctor of
14:36:39 19 Veterinary Medicine Perry Blanchard, Jennifer Brown, Michelle
14:36:46 20 Melton, M-E-L-T-O-N, Marlo Caddedu, C-A-D-D-E-D-U, must be Cajun,
14:36:56 21 Director -- Doctor of Veterinary Medicine Don Knolls, K-N-O-L-L-S,
14:37:02 22 Pedro Alcala, A-L-C-A-L-A, Director of Veterinary Medicine Tommy
14:37:10 23 Barton, B-A-R-T-O-N, who's with the Texas Animal Health
14:37:15 24 Commission, Director of Veterinary Medicine Keith Chaffin,
14:37:21 25 C-H-A-F-F-I-N, who's a professor at Texas A & M, the Texas A & M

14:37:28 1 University, Danny Williamson, Kim Hensarling, Shelly Tiggs,
14:37:35 2 T-I-G-G-S, Russell Glen Islet, I-S-L-E-T, Cody Hollingsworth,
14:37:45 3 Shay Cox, S-H-A-Y, Cox, female, about 25, Bush Wise, W-I-S-E,
14:37:54 4 Brian Bohol, B-O-H-O-L, Filamon Saucedo, he's a trainer, horse
14:38:02 5 trainer in Elgin, Texas, Matt Witman, manager of the Lazy Ranch
14:38:08 6 in Oklahoma, Butch Wise, W-I-S-E, another manager of Lazy E Ranch
14:38:15 7 in Guthrie, Oklahoma.

14:38:17 8 Now I'm going to read one, two, three, four, five
14:38:20 9 names, and they're all Director of Veterinary Medicine. Geraldo
14:38:25 10 Chapa from Eagle Pass, Dickson Varner, professor at Texas A & M
14:38:30 11 University, Tommy Hayes, H-A-Y-E-S, from Elgin, Texas. Burns,
14:38:36 12 all I have is the last name at this point, Burns, B-U-R-N-S,
14:38:41 13 Meniffee, California, Ellis, don't have a first name, Texas Animal
14:38:44 14 Health Commission, Austin, Texas.

14:38:47 15 Okay. Now we're beyond the director -- or Doctor of
14:38:52 16 Veterinary Medicines. Those are other sort of witnesses.
14:38:55 17 Jessica Huitron, H-U-I-T-R-O-N, worked for Huitron Homes, Saul,
14:39:02 18 S-A-U-L, Ramirez, he's a horse jockey, Janie Perez. Your Honor,
14:39:08 19 I'm sorry, I think it's Jaime Perez, Eagle Pass, Texas, Betty
14:39:13 20 Berge, B-E-R-G-E, from Amarillo, Chad Pierce, G. Allen Fisher,
14:39:21 21 CPA in Dallas, Sharon Moore, tax preparer in Mesquite, which is
14:39:27 22 up near Dallas, Tracy Pennington, bookkeeper up near Dallas in
14:39:32 23 Mesquite, Texas, Maria Trevino, General Clifford Massingale,
14:39:38 24 who's from Lexington, Oklahoma, Tom Lipe, L-I-P-E, Lexington,
14:39:45 25 Oklahoma resident, Amanda Glidden, G-L-I-D-D-E-N, who's with

14:39:51 1 Steed horse magazine, Bill Pilgrim, horse owner in Lexington,
14:39:57 2 Oklahoma, Julie Pilgrim, horse trainer in Lexington, Oklahoma,
14:40:04 3 okay, another director or Doctor of Veterinary Medicine Mike
14:40:08 4 Schoonover, S-C-H-O-O-N-O-V-E-R, Doctor of Veterinary Medicine,
14:40:14 5 Trent Bliss, B-L-I-S-S, Doctor of Veterinary Medicine Shaylin
14:40:19 6 Bliss, S-H-A-Y-L-I-N, Bliss, Nancy Yearsley, Preston Pollard,
14:40:28 7 Salina Molina, Frederick Parsons, Clint Broden, Beth Bosillo, and
14:40:37 8 that's B-O-S-I-L-L-O, her husband Mike or Michael Bosillo,
14:40:43 9 husband-and-wife investigators, Francisco Trevino, Geronimo
14:40:48 10 Garcia, who's from Houston, Texas, Paul Ramirez, Lisa Powell,
14:40:55 11 Jimmy Barton, Van Douglas, Caroline Douglas, Mr. Skinner, who
14:41:03 12 owns Skinner Masonry in Mesquite, Texas, Douglas Thomas, who's
14:41:09 13 with Skinner Masonry, foreman, a foreman for that company in
14:41:13 14 Dallas, Texas.

14:41:14 15 THE COURT: Hold on. I've got a hand up here.

14:41:17 16 THE JUROR: Sharon Douglas.

14:41:23 17 THE COURT: I'm sorry.

14:41:23 18 THE JUROR: I know a Caroline Douglas.

14:41:29 19 MR. FINN: Caroline Douglas. Judge, could I confer
14:41:34 20 with Ms. Williams for one second?

14:41:36 21 THE COURT: You may. Tell me your number, please, sir.

14:41:38 22 THE JUROR: Oh, No. 300.

14:41:40 23 THE COURT: Okay. Hold on one second, Mr. 300.

14:41:45 24 MR. FINN: Your Honor, and, sir, the Caroline Douglas
14:41:48 25 that I'm referring to lives in Oklahoma.

14:41:51 1 THE JUROR: Not her.

14:41:53 2 MR. FINN: Not her? Okay. Thank you.

14:41:56 3 Jim Davis, who's another person with Skinner Masonry,
14:42:01 4 foreman in Dallas, Texas, Dee Brown, D-E-E, Brown. It's a
14:42:06 5 company name, Dee Brown. Okay. One, two, three, four, the next
14:42:12 6 five names are folks that work for Dee Brown Masonry in Mesquite,
14:42:19 7 which is near Dallas, Texas. It's basically a suburb at the
14:42:22 8 intersection of Jupiter Road and Northwest Highway. And all I
14:42:25 9 have at this point are first names.

14:42:29 10 Cliff, C-L-I-F-F, a Burt, B-U-R-T, Jeff, Jay or
14:42:34 11 Madelyn. All these folks live in the Dallas area and work at Dee
14:42:38 12 Brown Masonry. Melody Kurchelle, K-U-R-C-H-E-L-L-E, who's with
14:42:44 13 the Los Alamitos racecourse, horse racing, James Simpson, Texas
14:42:52 14 Stone and Tile, Mike Resendes, R-E-S-E-N-D-E-S, again, Roni
14:43:00 15 Gregory, R-O-N-I, Gregory, who's a trainer, a horse trainer in
14:43:06 16 California, Juan Barbosa, Julia -- and I'm going to have to spell
14:43:13 17 this one your Honor -- R-U-B-A-L-C-A-V-A, Rubalcava, who's from
14:43:21 18 Houston. They make silk clothing for jockeys. Julian Cantu,
14:43:26 19 C-A-N-T-U, a jockey from Houston area, Fred Stanley, who's from
14:43:34 20 Marietta, Oklahoma, deals with horse insurance, Alfred -- or, I'm
14:43:39 21 sorry, Alred Lamica, L-A-M-I-C-A, worked for Zule Farms in
14:43:45 22 Lexington, Oklahoma, Rob Westeler, W-E-S-T-E-L-E-R, Texas Quarter
14:43:53 23 Horse Association in Austin, Andy Knight, who's a horseshoer,
14:43:58 24 horseshoes, your Honor, Purcell, Oklahoma, Randy Hill, Lexington,
14:44:04 25 Oklahoma, Hector Chapa, Piedras Negras, Paula Cuellar from Eagle

14:44:12 1 Pass, notary in Eagle Pass, Texas, Daniel Cuellar. And Cuellar
14:44:17 2 is spelled, C-U-E-L-L-A-R. Samuel Cuellar, Bill Purcell, Rex
14:44:24 3 Reynolds, who's an investigator in Dallas, Kathy Bryant, who's
14:44:30 4 from the Dallas area, Jim Blevins, Andy Schwartz, Austin, Texas
14:44:35 5 Animal Health Commission, Elizabeth Sanders, Jesus Vardugo, who
14:44:43 6 was a -- worked for Skinner Masonry in the Dallas area, Rudolfo
14:44:48 7 Trevino from Oklahoma, Zulema Trevino, Alex Trevino, Mario
14:44:54 8 Martinez, Jessica Murphy, somebody from the Office of General
14:44:58 9 Council, U.S. Homeland Security, somebody from the Immigration
14:45:03 10 Custom Enforcement Department, government agency in the United
14:45:07 11 States, probably a business records custodian. And last is
14:45:12 12 Mariano Rodriguez.

14:45:16 13 And folks in the back, I apologize, I had my back to
14:45:19 14 you. I'm not trying to be rude, but I was trying to read from my
14:45:21 15 notes. So no offense taken, I hope. That's it, Judge.

14:45:24 16 THE COURT: All right. I saw no hands except for one
14:45:29 17 we've talked about.

14:45:30 18 Mr. DeGeurin, do you have a witness list you wish to
14:45:34 19 publish?

14:45:35 20 MR. DEGEURIN: Yes, your Honor.

14:45:42 21 Been a long day. I'm Mike DeGeurin again. I represent
14:45:45 22 Mr. Francisco Colorado.

14:45:48 23 We have a few witnesses that we may be calling during
14:45:52 24 the trial, and many of them are here today. And so, the first
14:45:58 25 one is Albert Gomez, Alfredo Guzman-Baltizan, David Robyard.

14:46:13 1 He's an analyst, a financial analyst. Dennis Collins. I believe
14:46:21 2 he's -- are you here today? No longer. But Dennis Collins.
14:46:27 3 He's in charge of security. Isabelle Paez. She's here, I
14:46:34 4 believe. Maybe you could recognize her. Would you stand up,
14:46:37 5 please? Nobody. Jose Mendoza, Ricardo Barrera. Okay.
14:46:52 6 Francisco Silva-Ramos, Camillo Moreno, Marcus Maraches, Albert
14:47:10 7 Gomez. That's twice. I'm sorry. Angel Lopez, Dr. Jose
14:47:25 8 Faustino-Aranjo, Rosilia Alvarez, Hector Roban, Oscar Thomas,
14:47:43 9 Jesus Jimenez, Gustavo Cruz. All right. Oscar Garcia-Rojas,
14:48:04 10 Angel Reyna, Maria Salman-Rocha, Jose Antonio, Maria Colorado,
14:48:34 11 Rodrigo Ojeda, Francisco Colorado, Jr., Miguel Almason, Miguel
14:48:53 12 Colorado, Miguel Angel Colorado, Syra Mejia, Sergio Colorado, and
14:49:09 13 then, there's Ramon Segura. Would you stand up, Ramon? That's
14:49:16 14 all I have, your Honor.

14:49:18 15 THE COURT: I take it no one knows any of those
14:49:21 16 witnesses.

14:49:23 17 Okay. Mr. Womack, do you have list, please, sir?

14:49:26 18 MR. WOMACK: Thank you, sir. I'm just going to stand
14:49:28 19 here and speak. If I use the microphone, there's too much
14:49:32 20 feedback. I know I talk loud. Guy Womack for Mr. Garcia.

14:49:35 21 Our witnesses, Mike Hagen from Los Angeles, California,
14:49:41 22 Luis Alvarez, also from Los Angeles, California, Scott Hinkley
14:49:48 23 from Gainesville, Florida, Peter Ayala from Hialeah, Florida,
14:49:57 24 Chance Tim is from Lexington, Kentucky, Nancy Yearsley, a name
14:50:05 25 already mentioned from Lexington, Kentucky, Eric Breham, or

14:50:12 1 B-R-E-H-A-M, from Houston, and Gerardo Montez from El Paso,
14:50:19 2 Texas. So that's it.

14:50:24 3 THE COURT: I take it no one knows any of those folks
14:50:26 4 with no show of hands.

14:50:28 5 Mr. Esper.

14:50:29 6 MR. ESPER: Yes, your Honor. May it please the Court.

14:50:32 7 Ladies and gentlemen of the jury panel, the Defendant
14:50:36 8 Eusevio Huitron may call one or more of the following witnesses.
14:50:41 9 Ultimately, may call none of them. These are the potential
14:50:44 10 witnesses that we may call. None of whom live in the Austin
14:50:49 11 area.

14:50:49 12 Javier Sanchez, Macadonio Lozano, Juan Aguilar, Shae
14:50:58 13 Cox. And my witness Shae Cox's name is spelled, S-H-A-E. I
14:51:03 14 don't know if it's the same one that Mr. Finn referenced as a
14:51:07 15 potential witness. Joe Frescas, Paul Jones and Daniel Renteria.
14:51:15 16 None of them are from the Austin area or the Austin metroplex
14:51:19 17 area.

14:51:19 18 THE COURT: All right. No hands have been raised.

14:51:22 19 Mr. Mayr.

14:51:24 20 MR. MAYR: Thank you, Judge. If I may.

14:51:26 21 First of all, I'd like to introduce myself again, Brent
14:51:28 22 Mayr. I'm representing my client Jesus Huitron. Earlier, Judge,
14:51:32 23 when you introduced us, the panel wasn't given an opportunity to
14:51:37 24 divulge whether they recognize myself or my client. I did some
14:51:41 25 time here in the Austin area, even though I'm from Houston. But

14:51:43 1 my client has been here for the past 30 years. So I want to make
14:51:46 2 sure that no one has heard of the name Jesus Huitron. That's
14:51:51 3 H-U-I-T-R-O-N, or anyone familiar with that last name. Okay.

14:51:56 4 And then, we don't anticipate calling any witnesses,
14:52:00 5 but if we do have to, we would call Ruby Segura, Kerry Casler,
14:52:07 6 Jessica Huerta-Perez, and Joe Macias. Thank you, Judge.

14:52:14 7 THE COURT: If I didn't ask you before -- I don't
14:52:17 8 remember one way or the other -- but does anybody know Mr. Mayr?

14:52:21 9 THE JUROR: I'm sorry. I'm a teacher at night to
14:52:26 10 adults and I teach a Joe Macias. Is there a student -- Joe
14:52:31 11 Macias a student here in Austin?

14:52:35 12 MR. MAYR: He's an older gentleman.

14:52:40 13 THE JUROR: He's about 45?

14:52:40 14 MR. MAYR: Oh, okay.

14:52:41 15 THE JUROR: I think that's older.

14:52:48 16 THE COURT: You're in the hole, not me.

14:52:51 17 MR. MAYR: I don't think we're talking about the same
14:52:54 18 person.

14:52:55 19 THE JUROR: Okay.

14:52:57 20 THE COURT: All right. I'll have counsel up here,
14:53:02 21 please.

14:53:10 22 (At the bench, on the record.)

14:53:22 23 THE COURT: Juror No. 15A. That's all right. You can
14:53:40 24 stand there. You indicate that you may know Mr. or Dr. Graham?

14:53:49 25 THE JUROR: Yes.

14:53:50 1 THE COURT: If he's to be called as a witness or
14:53:53 2 another Graham -- Tyler Graham is called as a witness, do you
14:53:58 3 know Tyler Graham?

14:53:59 4 THE JUROR: No. I don't.

14:54:00 5 THE COURT: David Graham?

14:54:02 6 THE JUROR: No.

14:54:03 7 THE COURT: Okay. So it's Dr. Graham that you know.

14:54:05 8 THE JUROR: Yes.

14:54:07 9 THE COURT: Would you be able to evaluate his testimony
14:54:10 10 just like anybody else? Or because you know him, would you be
14:54:16 11 having a tendency to probably lean towards or against him just
14:54:21 12 because of your knowledge of him?

14:54:23 13 THE JUROR: No. I would evaluate him.

14:54:25 14 THE COURT: I couldn't hear you.

14:54:26 15 THE JUROR: I would be able to evaluate his opinion.

14:54:29 16 THE COURT: You could evaluate his testimony just like
14:54:31 17 anybody else?

14:54:31 18 THE JUROR: Yes.

14:54:32 19 THE COURT: Okay. You can have a seat.

14:54:39 20 (At the bench, on the record.)

14:54:43 21 THE COURT: First off, I'm through with the questions
14:54:45 22 unless any of you have anything specific.

14:54:49 23 MR. ESPER: Your Honor, in my proposed Question 21,
14:54:54 24 it's one that I borrowed from Judge Hudspeth many years ago, and
14:54:57 25 it basically recites, if you were a defendant, would you be

14:55:02 1 satisfied with the juror who is in your --

14:55:05 2 THE COURT: Well, I think that's a great question.

14:55:08 3 Judge Hudspeth will continue to ask it. Any other questions?

14:55:13 4 MR. GARDNER: Not from the government, Judge.

14:55:15 5 MR. DEGEURIN: Your Honor, we had asked that --

14:55:17 6 THE COURT: I got them.

14:55:18 7 MR. DEGEURIN: Since filling out the questionnaire,
14:55:20 8 have you heard about the case or read about it, since filling out
14:55:25 9 the questionnaire, and I think that's an important question. We
14:55:31 10 know that some of them have read about it ten times.

14:55:34 11 THE COURT: Well, I don't know -- all the questions are
14:55:37 12 for the present, as we sit here today, and the circumstance --

14:55:41 13 MR. DEGEURIN: Well, if you did that, that's what I'm
14:55:43 14 talking about.

14:55:44 15 THE COURT: That's what I did. For hours this morning.

14:55:47 16 MR. DEGEURIN: Okay. It wasn't limited to the
14:55:50 17 questionnaire.

14:55:52 18 THE COURT: No.

14:55:53 19 MR. DEGEURIN: Okay.

14:55:54 20 THE COURT: The questionnaire is just information that
14:55:56 21 y'all could draw on and ask questions about generally things
14:56:03 22 covered in the general questions that I'll follow up with
14:56:06 23 specific questions. But it's not new questions. I want the
14:56:11 24 clerk up here with the questions.

14:56:21 25 According to my calculations, we're looking at

14:56:35 1 everybody on the front row who is set here to the second row, and
14:56:41 2 I think that takes care of most everyone. Under the rules, there
14:56:48 3 would be twelve people for the jury, four alternates.

15:08:07 4 All right. Ladies and gentlemen, sounds like four
15:08:22 5 minutes after church. I'm going to recess you for 45 minutes.
15:08:29 6 Forty-five minutes. Don't leave. Walk around, look at this
15:08:35 7 pretty building. It really is a pretty building. I wish we had
15:08:40 8 a few more benches in it. Admire the glass that they tell me is
15:08:50 9 the largest piece of glass art in the country. I don't know if
15:08:56 10 it is or not. I know it came from Germany.

15:09:01 11 But anyway, walk around. Don't talk about this case.
15:09:05 12 In 45 minutes, please be at the same seat that you're in. Same
15:09:10 13 seat that you're in. All right. We're in recess for 45 minutes.

15:12:40 14 For the record, counsel, each of you have three, strike
15:12:47 15 separately or strike together. If you want to strike together,
15:12:52 16 Mr. Hall will show you the room the government has so you could
15:12:58 17 have it there. If you'll be seated, please, in the courtroom.
15:13:07 18 Let's go back on the record. Margaret, I'm going to need you to
15:13:18 19 swear a witness in in a minute.

15:13:21 20 Mr. Finn.

15:13:21 21 MR. FINN: May it please the Court, your Honor, a
15:13:24 22 witness that I subpoenaed is present in the courtroom, and he's
15:13:26 23 been kind enough to wait for me to get him before your Honor. He
15:13:32 24 has been subpoenaed. His name is Dr. Charles Graham. If you
15:13:35 25 would -- wouldn't mind swearing him in, then I could put him on

15:13:40 1 telephone standby and he can get on about his business, if that's
15:13:43 2 all right.

15:13:43 3 THE COURT: That will be fine. If you'd come forward,
15:13:46 4 please. Dr. Graham, this is Mrs. Sims. She's not only a clerk,
15:13:57 5 she is a Methodist minister. So when she swears you, you stay
15:14:00 6 sworn.

15:14:02 7 (Witness sworn.)

15:14:09 8 THE COURT: What all this means is that you've been
15:14:12 9 subpoenaed and you are a witness now. I anticipate that the rule
15:14:21 10 is going to be invoked in a few minutes when the jury has been
15:14:25 11 selected, which means that the witnesses cannot talk to each
15:14:31 12 other about their testimony. You have the right to talk with the
15:14:36 13 lawyers. You have the right not to talk with the lawyers. But
15:14:38 14 don't tell anybody else what you may testify to or have testified
15:14:43 15 to. And then, I can release you because Mr. Finn says that he
15:14:48 16 will notify you by telephone when you need to appear. But then,
15:14:51 17 you'd have to appear just as if you were subpoenaed.

15:14:54 18 Do you understand that?

15:14:56 19 THE WITNESS: Yes, sir.

15:14:57 20 MR. FINN: Judge, could I ask one question? You recall
15:15:01 21 that I filed a motion last week asking for clarification whether
15:15:05 22 or not there was a relationship between your Honor and Dr.
15:15:06 23 Graham. Earlier in the hallway, Dr. Graham indicated that he was
15:15:10 24 somewhat familiar with you and that you all knew each other, but
15:15:14 25 it had been a number of years since, I guess, your last

15:15:17 1 conversation or interaction.

15:15:20 2 Am I characterizing that accurately, Dr. Graham?

15:15:24 3 THE WITNESS: I think he was involved with a guy named
15:15:26 4 Mr. Stokes.

15:15:26 5 THE COURT: No, no. That's Sammy D. Sparks.

15:15:29 6 THE WITNESS: Is that the one? So I don't know him.

15:15:33 7 MR. FINN: You don't know this judge?

15:15:36 8 THE COURT: Actually, Mr. Webb and Mr. Stokes and Mr.
15:15:41 9 Sparks had a lot of horses.

15:15:43 10 THE WITNESS: Yes, sir.

15:15:44 11 THE COURT: And they made a lot of money practicing
15:15:47 12 law, not so much with horses, but they were clients of mine.

15:15:51 13 When they got sued, I defended them. All right.

15:15:53 14 MR. FINN: Thank you, Judge.

15:15:59 15 THE COURT: You know, when you go fishing, sometimes
15:16:01 16 you didn't always catch a fish.

15:16:03 17 MR. FINN: But you've got to check it out, though.
15:16:05 18 You've got to check the line.

15:16:06 19 THE COURT: All right. Forty-five minutes.

16:10:32 20 (In chambers.)

16:15:46 21 THE COURT: Okay. Somebody from each side, get your
16:16:04 22 strikes because I'm going to ask you in the record now.

16:16:10 23 All right. If the government will give me your
16:16:14 24 strikes, please.

16:16:16 25 MS. FERNALD: 256.

16:16:20 1 MR. GARDNER: We're out of order, Judge.

16:16:22 2 MS. FERNALD: Mr. Gardner wrote them down, so we're out

16:16:24 3 of order.

16:16:26 4 THE COURT: All right. 256.

16:16:28 5 MS. FERNALD: 340, 137.

16:16:44 6 THE COURT: This is the Chinese numbering system?

16:16:46 7 MS. FERNALD: Yes, sir, it is. 127, 119, 25, 199, 193.

16:17:30 8 And we elected not to use our ninth one.

16:17:32 9 THE COURT: All right.

16:17:40 10 MS. FERNALD: Do you want to do the alternates?

16:17:42 11 THE COURT: Not unless you do.

16:17:44 12 MS. FERNALD: I'll do whatever.

16:17:46 13 THE COURT: Did you strike some alternates?

16:17:48 14 MS. FERNALD: We did.

16:17:48 15 THE COURT: Well, which ones?

16:17:50 16 MS. FERNALD: 15A.

16:17:54 17 MR. GARDNER: Seat 44.

16:17:58 18 THE COURT: Okay.

16:18:00 19 MS. FERNALD: Fifty-two. On the next page, 266.

16:18:12 20 THE COURT: Okay. Defense counsel, any objections,

16:18:16 21 Batson challenges to any of the strikes from the government?

16:18:24 22 MS. WILLIAMS: No, your Honor.

16:18:26 23 MR. FINN: No, sir.

16:18:26 24 THE COURT: All right. The Court see no basis for

16:18:28 25 Batson challenges.

16:18:30 1 And if the defendants will tell me their strikes,
16:18:32 2 please.

16:18:34 3 MS. WILLIAMS: 181, 272, 282, 15, 189, 193, 172, 246,
16:19:30 4 318, 326, 97, 208, 268, 44A.

16:19:58 5 THE COURT: You sure you want to get rid of --

16:20:02 6 MS. WILLIAMS: I couldn't figure out how to use two
16:20:04 7 strikes. And 86.

16:20:10 8 THE COURT: And what other?

16:20:12 9 MS. WILLIAMS: Eight-six. Last one.

16:20:14 10 THE COURT: Okay.

16:20:22 11 MS. WILLIAMS: And then, for alternates 15A, 290 and
16:20:34 12 52.

16:20:54 13 THE COURT: Okay. Ms. Sims, let's -- all right,
16:21:00 14 counsel. Listen up. Here's the jury.

16:21:02 15 THE CLERK: Juror No. 140 in seat No. 1, Juror No. 3,
16:21:10 16 seat No. 3.

16:21:14 17 THE COURT: Seat No. 2.

16:21:14 18 THE CLERK: Yeah. Seat No. 3.

16:21:20 19 THE COURT: Are you going to put a space in there?

16:21:22 20 THE CLERK: Yeah. Well, no. It's really seat No. 2.
16:21:26 21 I'm sorry.

16:21:26 22 THE COURT: Right.

16:21:28 23 THE CLERK: Juror No. 135 in seat No. 4.

16:21:34 24 THE COURT: Let's dismiss with the seat numbers.

16:21:36 25 THE CLERK: Well, let's say No. 135 is in seat.

16:21:40 1 THE COURT: Three.

16:21:40 2 THE CLERK: Just leave that out?

16:21:42 3 THE COURT: Yeah. Just call the numbers.

16:21:46 4 THE CLERK: Okay. Juror No. 192, Juror No. 200, Juror
16:21:54 5 No. 162, Juror No. 82, Juror No. 118, Juror No. 28, Juror No.
16:22:18 6 213, Juror No. 251, Juror No. 74A.

16:22:30 7 Alternates, Juror No. 47, the next page, Juror No. 205,
16:22:44 8 Juror No. 77A, Juror No. 85. That's 16.

16:22:56 9 THE COURT: Is the jury satisfactory with the
16:22:58 10 government?

16:22:58 11 MR. GARDNER: It is, your Honor.

16:23:00 12 THE COURT: Satisfactory with the defendants?

16:23:02 13 (Affirmative responses given.)

16:23:04 14 THE COURT: All right. It's 4:20 now. So I will go
16:23:08 15 out and select the jury. I'm going to leave them in the box and
16:23:14 16 give them the instructions. And then, John, you can take them to
16:23:22 17 four, show them where they're going to come in in the morning.

16:23:26 18 Ms. Sims, did you check to see how far any of these
16:23:30 19 are?

16:23:32 20 THE CLERK: We've got some from Gillespie and Burnet
16:23:36 21 from what I can see. And I've checked.

16:23:38 22 THE COURT: Burnet's not bad.

16:23:40 23 THE CLERK: Gillespie, Burnet, Burleson. I don't know
16:23:42 24 how far that is.

16:23:44 25 THE COURT: I'll ask them because I'm going to ask them

16:24:10 1 what they're going to do at 8:30. We'll see.

16:24:12 2 All right. Anything else before we go in the
16:24:14 3 courtroom? Let's go.

16:22:30 4 (Jury panel present.)

16:22:30 5 THE COURT: Members of the jury panel, Mrs. Sims is
16:22:34 6 going to call out the names of the jurors who have been selected.
16:22:39 7 If your name is called, simply stand at your seat.

16:22:43 8 THE CLERK: Juror No. 140, Juror No. 3, Juror No. 135,
16:22:54 9 Juror No. 192, Juror No. 200, Juror No. 162, Juror No. 82, Juror
16:23:09 10 No. 118, Juror No. 28, Juror No. 213, Juror No. 251, Juror No.
16:23:24 11 74A, Juror No. 47, Juror No. 205, Juror No. 77A, and Juror No.
16:23:41 12 85.

16:23:41 13 THE COURT: Okay. Ladies and gentlemen, y'all will be
16:23:43 14 the jury. I'm going to change my mind and have Mr. Hall take you
16:23:49 15 up to the fourth floor, and you can go ahead and put them in the
16:23:56 16 jury room. So if you'll get your purses and stuff, Mr. Hall will
16:24:02 17 take you to the fourth floor.

16:24:04 18 COURT SECURITY OFFICER: Take them to the jury box?

16:24:05 19 THE COURT: Yes.

16:24:06 20 COURT SECURITY OFFICER: Those jurors selected that are
16:24:08 21 standing, follow me, please. Come around this way.

16:24:12 22 THE CLERK: No. 278, you are not called. I'm sorry.

16:24:20 23 THE COURT: Good try, though.

16:24:46 24 (Jury exits.)

16:24:50 25 THE COURT: Members of the jury panel, it is the

16:24:53 1 practice of our court because the number-one expense of the
16:24:56 2 federal courts are juries -- you're our most expensive, more than
16:25:02 3 our salaries, more than all of the costs of the administration of
16:25:06 4 the courts of justice. We'll spend more on juries than we do on
16:25:10 5 anything else. So we try to have multiple jury selection, but
16:25:17 6 I'm advised that the other three judges are not going to be in
16:25:20 7 trial.

16:25:22 8 So I, unfortunately, can't offer you another
16:25:25 9 opportunity to be on that jury on this occasion. But you'll
16:25:29 10 remain on the books, what, month and a half from now?

16:25:37 11 MS. DEMINGS: The end of April. Or, I'm sorry, the
16:25:40 12 middle of May.

16:25:40 13 THE COURT: The middle of May. I hope that you'll have
16:25:44 14 an opportunity to come and serve at that time. We're fortunate,
16:25:49 15 because of the population in Central Texas, not to have you stay
16:25:53 16 six months as many of our brother and sister courts do, and but
16:26:01 17 we appreciate your being here. Don't think your time is wasted.

16:26:05 18 In a case like this, as you know, we had
16:26:08 19 questionnaires, and we try to eliminate a lot of people who
16:26:14 20 obviously couldn't serve. I appreciate y'all coming in there.
16:26:19 21 We ended up with more jurors than we normally have. The reason
16:26:25 22 for that is the notoriety that has been in the newspapers, along
16:26:31 23 with the length of the trial. But I appreciate everybody coming
16:26:35 24 in and all of you that were willing to serve, and I'm going to
16:26:40 25 release you. You're released from any obligations and all

16:26:43 1 obligations until you're called next time.

16:26:45 2 Let me put in a little caveat. When you get your next
16:26:50 3 notice, if you get the next notice and you have a problem, we
16:26:56 4 have employees in the clerk's office. That's all they do is work
16:27:01 5 with the jurors. So if you have a conflict, call or use the
16:27:07 6 magic machine, the computer, and you can do it online, too. We
16:27:14 7 want you to come in and serve when you can. When you can't, we
16:27:19 8 don't want to bring you in and pay you. It's really that simple.

16:27:25 9 But you're all excused from this session with the
16:27:28 10 thanks of the Court. And you may be excused. Counsel, go to
16:27:35 11 four.

16:37:28 12 (Jury present.)

16:40:24 13 THE COURT: Members of the jury, it's been a fairly
16:40:44 14 long day. Took a little longer to select the jury than I had
16:40:49 15 anticipated, so we won't have much to do this evening, except I'm
16:40:54 16 going to make a few brief remarks and then, allow you to go in
16:40:59 17 with Mr. Hall so that he can explain to you how you're going to
16:41:03 18 get here in the morning, and where you're to go, and look at the
16:41:07 19 jury room that you have. The jury room is kind of like this
16:41:15 20 room. It's short of space, as you've seen, for the number of
16:41:22 21 people on the jury. It's a difficult room. But we'll -- we work
16:41:26 22 with what we have. It's a large room but not a whole lot of
16:41:32 23 seating for the lawyers and the parties and the folks that want
16:41:38 24 to watch.

16:41:41 25 So the main thing I want to emphasize to you is

16:41:46 1 communications. I've already talked to you about this, but when
16:41:49 2 you get home today, your friends or family are going to say, what
16:41:54 3 case is it? And you just tell them that you can't discuss the
16:41:57 4 case. Tell them anything you want. You can tell them, you know,
16:42:02 5 I'm in that crazy Sparks' court, and he's the one that puts
16:42:07 6 people in jail and stuff like that. Make up anything you want.

16:42:14 7 Or you can just tell them the truth, and the truth is,
16:42:17 8 I will ask you every morning on your oath, and every afternoon,
16:42:19 9 after the noon break, if you've allowed anybody to talk to you
16:42:24 10 about the case, if you've talked to anybody about the case, or if
16:42:27 11 you've learned anything about the case, outside the presence of
16:42:32 12 each of you in this courtroom. As long as you can say "Yes" to
16:42:36 13 those questions, then the case will proceed, and we will do what
16:42:41 14 we're supposed to do.

16:42:43 15 I can't emphasize the importance of it. Even little
16:42:47 16 things like sending an e-mail that says, I got on a jury and what
16:42:53 17 jury it is. Just don't do that. You are going to be judges in
16:43:00 18 this case, judges of the facts, and your verdict is exclusive.
16:43:04 19 Whatever the verdict is that you will render at the end of this
16:43:07 20 case, that's it. I, no appellate judge, no Congress, no
16:43:14 21 President can. So it is a responsibility that you must carry
16:43:21 22 through as I give you those instructions.

16:43:26 23 Now, we usually start court at 8:30 in the morning, but
16:43:32 24 I know some of you are living outside of the area. I could have
16:43:36 25 people as far as Junction one way and Brenham the other, but most

16:43:41 1 people live in the area where they can get to Austin 8:00-ish,
16:43:47 2 somewhere in that vicinity. Is there anybody that would not be
16:43:51 3 able to start at 8:30 in the morning? If so, let me know,
16:43:57 4 because we've got a long haul, a lot of evidence and a lot of
16:44:00 5 witnesses, regardless of how many they'll call.

16:44:03 6 And I'd like to go at 8:30, and then, we'll go into the
16:44:08 7 late afternoon. We'll have, of course, breaks, and you'll have a
16:44:11 8 noon break and that type of thing. You will find --
16:44:15 9 unfortunately, for those of you who are not here every day,
16:44:18 10 you'll find it's going to be very difficult to get out of Austin.
16:44:21 11 It's just horrible traffic. But you could get out at the area of
16:44:28 12 6:00 a lot easier and get home a lot easier than you can 5:00.
16:44:34 13 And that's why we're going to go till 6:00.

16:44:37 14 So plan kind of an 8:30 to 6:00. You'll get more
16:44:42 15 specific instructions from a practical matter. And then, in the
16:44:45 16 morning, I will give you the legal instructions with regard to
16:44:49 17 trial. They're very brief. They're not going to take long. And
16:44:52 18 the lawyers will then make their opening statements, which are
16:44:56 19 statements as to what they anticipate the evidence will be. They
16:44:59 20 won't be arguing their case because they will place evidence in
16:45:06 21 every day; and then, they will have an opportunity to argue their
16:45:08 22 case at the end of the case. And that's in a nutshell where we
16:45:15 23 are.

16:45:15 24 Let me ask you this: How many of you -- I forgot your
16:45:18 25 questionnaires, but I don't have it close enough. How many of

1 you have been on the jury before? Well, then, you know pretty
2 much the routine. You can't exaggerate the instructions I have
3 just given you. They're very, very important. And I'm going to
4 place you in the custody of Mr. Hall, and I'll see you in the
5 morning at 8:30.

6 (Jury not present.)

7 THE COURT: I don't know who's responsible for the
8 design of this hall, but I do caution you, after I've discharged
9 the duties, for at least five minutes, they can hear anything
10 that you say. So be careful about that.

11 Secondly, I received motions in limine, which I thought
12 we would discuss just briefly, and that was the government has
13 three motions in limine not to refer or ask witnesses with regard
14 to what's stated in reports that doesn't have the witness
15 interview, the witness who has signed the report, or has
16 otherwise acknowledged the statements on the report other than
17 the reviewer, and motion not to make any race-based prosecution
18 statements. I grant that one. Before you get into any of that,
19 approach the bench, tell me what you intend to do and why so that
20 everybody will have an opportunity to know what's coming.

21 Motions in limine do not result in evidentiary rulings.
22 These are not evidentiary rulings. They're just instructions to
23 you to approach the bench.

24 The government's motion in limine, the Court knows what
25 hearsay is. Just make your objections timely. There's no point

16:48:04 1 in coming to the bench every time that there's a witness.

16:48:08 2 Sometimes the statements may be admissible, sometimes they're

16:48:12 3 not. Just make your motions timely.

16:48:14 4 And then, Mr. Colorado has a motion here, I've already

16:48:19 5 sustained briefly that the part with regard to the alleged

16:48:24 6 allegations of what happened down there. I don't know how the

16:48:28 7 government, or why, or if the government is going to go into

16:48:32 8 that, but before you go into that, give notice to opposing

16:48:38 9 counsel so that we will all be on the same team.

16:48:41 10 Okay. That's all I have for this evening. Anything

16:48:43 11 from the government?

16:48:44 12 MR. GARDNER: Yes, sir, your Honor.

16:48:47 13 Your Honor, in this case, the Court has entered two

16:48:49 14 protective orders, one for discovery and then, a consent for

16:48:53 15 protective order for Jencks material. At a break previous to

16:48:57 16 this one, I was informed by a member of my office that there are

16:49:00 17 three reporters in the back of the courtroom, one from Dallas

16:49:02 18 Morning News, one from the San Antonio Express, and a reporter

16:49:06 19 from the state of Mexico. They had in their possession 302s,

16:49:10 20 which are FBI reports and Dallas PD reports. Those materials

16:49:15 21 were given out on Friday as early Jencks to what -- each of these

16:49:20 22 five lawyers. One of these five lawyers has disclosed Jencks in

16:49:26 23 violation of the Court's order to the press, among who knows who

16:49:31 24 else.

16:49:32 25 Your Honor, the government has been very concerned

16:49:36 1 about the security of the witnesses in this case. We agreed to
16:49:40 2 redact the indictment to protect the record and not to taint the
16:49:46 3 jury as to any violence. We've agreed to keep the violence down.
16:49:49 4 But the disclosure of the government's interview reports to
16:49:52 5 outside people, in violation of this court's order, is
16:49:56 6 disturbing.

16:49:56 7 Now, it's my fault that I didn't watermark every one
16:50:00 8 and per defendant, like I've done everything else, so the cat's
16:50:03 9 out of the bag. But what I would ask the Court is to require all
16:50:06 10 the lawyers return the Jencks CD that I provided to them on
16:50:09 11 Friday, and I will provide the Jencks statement following each
16:50:12 12 witness' testimony. That's all I have, your Honor.

16:50:26 13 THE COURT: Whoever did it, you're in contempt of my
16:50:30 14 order. And if it's established that somebody did it, then
16:50:36 15 somebody will have to pay the price. The difficulty in cases
16:50:39 16 like this is that I require the government to go out and do
16:50:43 17 things that they're not required to do so that we, one, have a
16:50:47 18 fair trial and, two, that y'all can be prepared in talking with
16:50:51 19 defense lawyers. And if one of you breached that agreement, that
16:50:57 20 not only hurts you in this case, it hurts every defense lawyer
16:51:00 21 that comes down here to the federal court. No excuse for it.

16:51:06 22 If I find out in any way, shape or form who did it, I
16:51:11 23 want to know that. That gives me the opportunity, also, saying
16:51:16 24 that there was an article in the paper today, there was an
16:51:19 25 article in the paper last Wednesday quoting government officials,

16:51:26 1 quoting defense lawyers. I don't want to see any of that. I'm
16:51:32 2 not putting a gag order on this case, but I do not want to see
16:51:37 3 any more articles until we're through with this case that are
16:51:44 4 quoting government officials. And I don't want to see anything
16:51:50 5 that violates the ethical standards by the defense lawyers.

16:51:59 6 If, in fact, copies have been given to the press, as
16:52:08 7 far as I'm concerned, whoever did it will never practice in
16:52:10 8 federal court again. That's how strongly I feel about that,
16:52:15 9 because you each got a benefit so that you would be ready and
16:52:21 10 could be as prepared or more prepared than you would normally in
16:52:27 11 the way that routine cases go, and that is, getting all of the
16:52:32 12 material at the same time the witness takes the stand.

16:52:37 13 MR. FINN: Judge, may I address the Court?

16:52:41 14 Mr. Gardner just mentioned a specific newspaper, Dallas
16:52:45 15 Morning News.

16:52:46 16 THE COURT: And the San Antonio Express.

16:52:48 17 MR. FINN: Okay. As far as I know, I'm the only Dallas
16:52:50 18 lawyer in this case, and I can represent to you, to the
16:52:54 19 government and Mr. Gardner, not only did I not give anything to
16:52:58 20 the press, I never even opened the disc. I immediately Fed-Exed
16:53:03 21 it to Ms. Williams, who also didn't give it to the press. So I
16:53:06 22 just want you to know that. I didn't give anything to the press.

16:53:10 23 THE COURT: I'm not making any inference. I don't know
16:53:12 24 who did it. I did see that you were quoted in the newspaper, in
16:53:16 25 the Dallas newspaper.

16:53:18 1 MR. FINN: That is true, in response to the
16:53:21 2 government's quotes.

16:53:22 3 THE COURT: Well, I don't want any more quotes.

16:53:26 4 MR. FINN: Understood.

16:53:26 5 THE COURT: This is a volatile case and if it gets out
16:53:31 6 of control, then I have concern whether or not the defendants
16:53:35 7 will get a fair trial.

16:53:37 8 MR. FINN: Judge, can I ask you one clarification?
16:53:40 9 When you say the government, you're not just referring to the
16:53:42 10 prosecution team or the U.S. --

16:53:44 11 THE COURT: I'm not talking about the prosecution team.
16:53:46 12 They haven't been quoted at all. I'm talking about spokesmen for
16:53:50 13 the Internal Revenue Service and the DEA. Those were the ones
16:53:54 14 that I've seen in the newspaper.

16:53:56 15 MR. FINN: The U.S. Attorney himself was quoted
16:53:59 16 extensively when this case broke. But I understand what you're
16:54:01 17 saying. Thank you.

16:54:07 18 MR. DEGEURIN: May I? This is probably unnecessary,
16:54:14 19 but the prosecutor has pointed at our table and said, one of
16:54:18 20 these defense counsel has disclosed Jencks. I think that he must
16:54:25 21 be very frustrated as I would be if I thought that, if I were
16:54:29 22 him.

16:54:30 23 THE COURT: Apparently y'all are the ones that have it.

16:54:32 24 MR. DEGEURIN: Well, I'm telling you, we haven't
16:54:34 25 disclosed any Jencks to anybody. But there could be other

16:54:39 1 possibilities of how his Jencks got out of whatever -- wherever
16:54:43 2 it got out, but it wasn't through me or my team that represents
16:54:49 3 Francisco Colorado.

16:54:50 4 THE COURT: The Court hadn't made any accusations. The
16:54:54 5 Court just made a statement that I'd liked to have an inquiry,
16:54:56 6 but I'm not going to do that. But if I find out or if somebody
16:55:00 7 points out some factual basis, I'll explore it.

16:55:04 8 MR. DEGEURIN: Yeah. I just felt compelled. I cannot
16:55:07 9 just silently have a finger pointed at my table and be one of the
16:55:11 10 people being pointed at without something other than what he
16:55:16 11 said. And he saw some reporters with what apparent -- appeared
16:55:20 12 to be 302s. So I just couldn't let it stand any other way.

16:55:28 13 I know and I agree with the Judge, with you, that we do
16:55:32 14 things by honor of the lawyers, respecting the lawyer's oath. So
16:55:38 15 that even though the rules might make a trial last a lot longer,
16:55:45 16 by agreement and with our honor not disclose Jencks, trials work
16:55:50 17 better and more fairly. It all gets turned upsidedown if the
16:55:56 18 lawyers don't follow the rules, and it's right for you to expect
16:56:01 19 us to.

16:56:03 20 I'm a little -- I felt accused as a group by pointing
16:56:09 21 at my table and saying one of us did it.

16:56:11 22 THE COURT: Well, Mr. DeGeurin, do you have any idea
16:56:14 23 what they say about me all the time?

16:56:16 24 MR. DEGEURIN: Judge, can I have cart --

16:56:19 25 THE COURT: You develop a thick skin. I'm just giving

16:56:22 1 a warning I don't want any more.

16:56:25 2 MR. DEGEURIN: And I always respond when I hear those
16:56:27 3 things about you, Judge. It's not deserving.

16:56:33 4 MR. FINN: Plus, Judge, the Jencks will probably hurt
16:56:36 5 our clients, not help our clients. Jencks would be from the
16:56:38 6 government's witnesses.

16:56:39 7 THE COURT: Well, the problem is exactly right and
16:56:42 8 that's why the government is concerned. The government has an
16:56:45 9 obligation of a fair trial, too, and if they give the materials
16:56:50 10 out, it jeopardizes a fair trial. They could be subject to
16:56:56 11 criticism for following my instructions. They didn't have to
16:57:01 12 give you that Jencks and that's the problem.

16:57:03 13 All right. We're not going to solve it tonight.
16:57:06 14 Anything further?

16:57:06 15 MR. MAYR: Judge, may I approach?

16:57:08 16 THE COURT: You may.

16:57:11 17 MR. MAYR: Judge, and I do have to present this at this
16:57:14 18 time. Friday, I filed a motion for leave and a motion to dismiss
16:57:19 19 based on selective and vindictive prosecution. I don't know if
16:57:22 20 the Court has had an opportunity to rule on that, but I --

16:57:25 21 THE COURT: The Court ruled on it within ten minutes
16:57:27 22 that I got it, and you should have had the order. I granted the
16:57:30 23 motion filed and I denied the motion.

16:57:35 24 MR. MAYR: Okay. I apologize.

16:57:36 25 THE COURT: To dismiss.

16:57:37 1 MR. MAYR: I did not receive the ECF notice.

16:57:39 2 THE COURT: Pick it up electronically.

16:57:42 3 MR. MAYR: I'll take your word on it. Thank you,
16:57:43 4 Judge, for that.

16:57:44 5 THE COURT: You're welcome. I think you'll find that a
16:57:46 6 grand jury made that indictment.

16:57:48 7 MR. DEGEURIN: There's one other motion that's our
16:57:49 8 motion to exclude the evidence pursuant to Rule 16, had to do
16:57:54 9 with the wiretaps that were evidence we first learned about a
16:58:02 10 week and a half ago, and so, we filed the motion. It's either
16:58:06 11 pending or if you rule on it today.

16:58:07 12 THE COURT: Well, it technically hadn't been because
16:58:12 13 they hadn't had enough time for the opposing response. But it
16:58:16 14 will be denied so that you know.

16:58:18 15 All right. I'm in recess until 8:30 in morning.

16:58:18 16 (Proceedings adjourned.)

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